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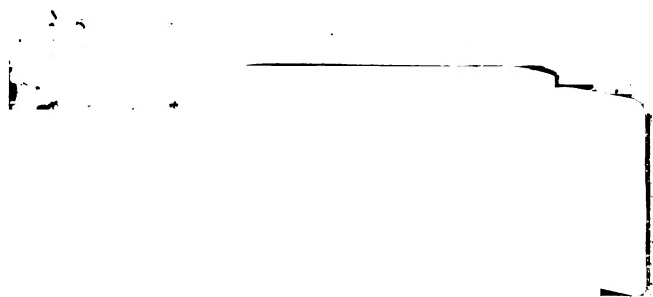
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PANOPTICON:
POSTSCRIPT;
PART II:
CONTAINING
A PLAN OF MANAGEMENT
FOR A
PANOPTICON
PENITENTIARY-HOUSE.

By JEREMY BENTHAM,
OF LINCOLN'S-INN, ESQ.

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99	16	— to be current	— to be earned
104	23	— any additions	— any addition
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		— class to	— class
139	3	— There equal	— Three equal
140	11	— an absolute	— on absolute
151	14	— or had not	— had not
181	13	— into the Yards	— in the Yards
186	21	— in this	— on this
187	17	— theme	— their theme

CORRIGENDUM.

119	9	— nine parts out of	— more than 5 parts out
		17½ in point of <i>time</i> , more	of 15 in point of <i>time</i> ,
		than half, as we shall see,	more than one third, as
		thrown away for the sake of	we shall see, thrown
		getting the other eight of a	away for the sake of
		hard fort.	getting the other 9 or 10
			of a hard fort.

PANOPTICON.

POSTSCRIPT.—PAR T II.

PRINCIPLES AND PLAN OF MANAGEMENT.

§ 1. *LEADING POSITIONS.*

THIS surely is no place for any thing like a compleat and regular system of Prison-management. Such an enterprize would have been above my strength. It would have required opportunities which I have not possessed, and time more than at present can be spared.

A work of this kind is however still to execute. Mr. Howard's publications present no such work. They afford a rich fund of materials: but a quarry is not a house. No leading principles: no order:

PART II.

B

no

no connection. Rules, or hints for rules, in places which, unless by reading the book through again, you can never find a second time: recommendations, of which the reason is not very apparent, and for which no reason is given: some perhaps for which no sufficient reason, if any, could be given. My venerable friend was much better employed than in arranging words and sentences. Instead of doing what so many could do if they would, what he did for the service of mankind was what scarce any man could have done, and no man would do, but himself. In the scale of moral desert, the labours of the legislator and the writer are as far below his, as earth is below heaven. His was the truly christian choice: the lot, in which is to be found the least of that which selfish nature covets, and the most of what it shrinks from. His kingdom was of a better world: he died a martyr, after living an apostle.

To please every body is acknowledged to be in no instance a very easy task. There are perhaps few instances in which it is less so than this of penitentiary discipline. There are few subjects on which opinion is more under the sway of powers that are out of the reach of reason. Different tempers prescribe different measures of severity and indulgence,

dulgence. Some forget that a convict in prison is a sensitive being : others, that he is put there for punishment. Some grudge him every gleam of comfort or alleviation of misery of which his situation is susceptible. To others, every little privation, every little unpleasant feeling, every unaccustomed circumstance, every necessary point of coercive discipline, presents matter for a charge of inhumanity.

In the midst of these discordant sentiments, this promiscuous conflict, in which judgment and regulation are so apt to be led astray, sometimes by the negligence of insensibility, sometimes by the cruel anxiety of cowardice, sometimes by the excess of tenderness, and now and then perhaps by the affectation of it, a few leading positions, if by good fortune any such should be to be found, to which men of no description whatever, be their degree of judgment or cast of temper what it may, shall find it easy to refuse their assent, will not be without their use: unfortunately the application of those principles will still leave but too wide a field for uncertainty and variance. But even in case of variance it will be something to have placed the question upon clear ground, and to have rendered it manifest to every eye on what point it turns, whe-

ther the disagreement is an irremediable one, or whether any means of putting an end to it may be hoped for from farther investigation.

But in the first place, a summary view of the objects or ends proper to be kept in view in the planning of such a system may not be without its use. They may be thus distinguished and arranged.

1. *Example*, or the preventing others by the terror of the example from the commission of similar offences. This is the the main end of all punishment, and consequently of the particular mode here in question.

2. Good behaviour of the Prisoners during their subjection to this punishment: in other words, *prevention of Prison-offences* on the part of Prisoners.

3. *Preservation of decency*: or prevention of such practices in particular as would be offences against decency.

4. Prevention of undue hardships:—whether the result of design or negligence.

5. *Preservation of health*, and the degree of *cleanliness* necessary to that end.

6. *Security against fire.*

7. *Safe*

7. *Safe custody*: or the prevention of escapes, which as far as they obtain, frustrate the attainment of all the preceding ends.

8. *Provision for future subsistence*: i. e. for the subsistence of the Prisoners after the term of their punishment is expired.

9. *Provision for their future good behaviour*: or prevention of future offences, on the part of those for whose former offences this punishment is contrived. This is one of the objects that come under the head of *reformation*.

10. *Provision for religious instruction*. A second article belonging to the head of *reformation*.

11. *Provision for intellectual instruction and improvement in general*. A third article belonging to the head of *reformation*.

12. *Provision for comfort*: i. e. for the allowance of such present comforts as are not incompatible with the attainment of the above ends.

13. *Observance of economy*: or provision for reducing to its lowest terms the expence hazarded for the attainment of the above ends.

14. *Maintenance of subordination*: i. e. on the part of the under officers and servants, as towards the manager in chief, a point on the accomplishment of which depends the attainment of the several

ral preceding ends. No one of these objects but was kept in view throughout the contrivance of the building: none of them that ought to be lost sight of in the contrivance of the plan of management. The management was indeed the end: the construction of the building, but one amongst a variety of means, though that the principal one.

I may perhaps subjoin in the way of recapitulation, a general *table of ends and means*: a tabular view of the several expedients employed or suggested for the attainment of the above ends.

In the mean time this summary enumeration of the ends themselves may serve to direct our attention, and afford us some guidance in judging of the proposed expedients as they present themselves: and incidentally of the regulations and expedients that have been established or recommended by others, either with a view to the same ends, or at least with relation to the same subject.

From the different courses taken in the pursuit of these several ends or some of them, errors have been adopted, by which the lot of the persons devoted to this punishment has been affected in opposite ways: the treatment leaning in some instances too far on the side of severity: in others, too far on the side of lenity and indulgence. It is for
the

the correction and prevention of such errors that the three following rules are proposed, to serve as guides, in the pursuit of the above enumerated ends. These are the leading positions above alluded to. Should their propriety be admitted, there is not a single corner of the management in which their utility will not be recognized.

1. *Rule of Lenity.*

The ordinary condition of a convict doomed to forced labour for a length of time, ought not to be attended with bodily sufferance, or prejudicial or dangerous to health or life.*

2. *Rule of Severity.*

Saving the regard due to life, health, and bodily ease, the ordinary condition of a convict doomed to a punishment which few or none but individuals of the poorest class are apt to incur, ought not to be made more eligible than that of the poorest class of subjects in a state of innocence and liberty.

* The qualification applied by the epithet *ordinary*, and the words *length of time*, seemed necessary to make room for an exception in favour of temporary punishment for Prison-offences, at the expence of bodily ease.

3. *Rule of Economy.*

Saving the regard due to life, health, bodily ease, proper instruction, and future provision, economy ought in every point of management to be the prevalent consideration. No public expence ought to be incurred, or profit or saving rejected, for the sake either of punishment or of indulgence.

Propositions of such latitude may be thought to require a few words of explanation: propositions of such importance may require something to be said in the way of justification. The precaution is not superfluous. The reader who feels himself interested in the subject would do well to scrutinize them. It is but fair he should have this warning. For if these are really fit to compose a test, no plan of management has yet been either pursued or proposed, that will abide it.

Injuries to health and bodily ease are apt to result principally from either that part of the management which concerns *maintenance*, or that which concerns *employment*. The supply for maintenance may be defective in quantity, or improper in quality. The labour exacted in the course of the employment may be improper in quality, or excessive in quantity.

What

§ 1. *Leading Positions.*

What must not be forgotten is, that in a state of confinement, all hardships which the management does not preserve a man from, it inflicts on him.

The articles of supply necessary to preserve a man from death, ill health, or bodily sufferance, seem to be what are commonly meant by the *necessaries of life*. The supplies of this kind with which, according to the rule of lenity, every such Prisoner ought to be furnished, and that in the quantity requisite to obviate those ill consequences, may be included under the following heads :

1. Food, and that in as great a quantity as he desires.
2. Cloathing at all times in sufficient quality and quantity to keep him from suffering by cold, with change sufficient for the purposes of cleanliness.
3. During the cold season, firing or warmed air sufficient to mitigate the severity of the weather.
4. In case of sickness, proper medicine, diet, and medical attendance.
5. In the way of precaution against sickness, the means of cleanliness in such nature and proportion as shall be sufficient to afford a complete security against all danger on that score.

The

The reasons against inflicting hardships affecting the health, and such privations as are attended with long-continued bodily sufferance, are

1. That being unobtrusive they contribute nothing to the main end of punishment which is example.

2. That being protracted or liable to be protracted through the whole of a long and indefinite period, filling the whole measure of it with unremitting misery, they are inordinately severe: and that not only in comparison with the demand for punishment, but in comparison with other punishments which are looked upon as being, and are intended to be, of a superior degree.

3. That they are liable to affect and shorten life, amounting thereby to capital punishment in effect, though without the name.

Punishments operating in abridgment of life through the medium of their prejudicial influence with regard to health are improper, whether intended or not on the part of the legislator. In the latter case, the executive officer who subjects a man to such a fate without an express warrant from the Judge, or the Judge who does so without an express authority from the legislator, appoints death, where the legislator has appointed no such punishment,

ment, and incurs the guilt of unjustifiable homicide, to say no worse of it.

If intended on the part of the legislature they are liable to the following objections.

1. They are severe to excess, and that to a degree beyond intention as well as proportion. Stiled less than capital, they are in fact capital, and much more: the result of them being not simple and speedy death, as in the instances where death is appointed under that name, but death accompanied and preceded by lingering torture.

2. They are unequal: causing men to suffer, not in proportion to the enormity of their offences, either real or supposed, but in proportion to a circumstance entirely foreign to that consideration: viz. their greater or less capacity of enduring the hardships without being subjected to the fatal consequence.

Food is the grand article. It is the great hinge on which the economy of supply turns. It is the great rock on which frugality and humanity are apt to split. Food ought not to be limited in quantity for this reason:—Draw the line where you will, if you draw it to any purpose, the punishment becomes unequal. Unequal punishment is either a defective or excessive: it may be in both cases at once:

ading Positions.

e other it cannot but be. In
he sole result of the inequa-
as the allowance fails to fa-
bjected to an additional bur-
oreign to the design. Draw
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oper is the only alternative:
ion as humanity loses that
it. Pinch many and those
portionally unequal and un-
lose but slightly, what you
ou serve Mammon for small
ity is all sheer injustice: it
o conduct: the punishment
to the degree of a man's de-
keenness of his appetite. It
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weight of it rather accumu-
by time. As the quantity
man living in other respects
pretty much the same, if the
ibly short of any man's desires
at every other; as his hunger
at the conclusion of his meal,
ring any part of the interval
al: the consequence is, that
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§ 1. *Leading Positions.*

the whole measure of his existence is filled up in a state of unremitted, not to say encreasing suffering.

I have distinguished this mode of producing suffering from an injury to health, merely in words: but the difference is but in name. If a man experiences a constant gnawing of the stomach, what difference is it to him whether it comes from improper food or from want of food? If a constant shivering, what matters it whether from cold or from want of fire?

By this violation of the law of lenity true economy does not gain near so much as at first might appear. That a man who is ill fed will work so well as a man who is well fed, is allowed by every body. But the great cause that prevents economy from gaining by this penury is, what is grasped with one hand is squandered with the other. Those who limit the quantity of food neither confine the quality to the least palatable which is in a double point of view the cheapest, nor avoid variety and change. Provocations are thus administered while satisfaction is denied and what is saved by pinching the stomach is thrown away in tickling the palate. Make it a rule to furnish nothing but of the very cheapest sort

if there should be two sorts equally cheap, to confine the men to one, you need not fear their eating too much. Every man will be satisfied: no man will be feasted, no man will be starved.

This abundance will be no violation of the rule of severity. The lot of delinquents will not be raised above that of the innocent at large, except in as far as the latter is sunk below the ordinary level by accidental imprudence or misfortune. All men in a state of innocence and liberty do not in fact enjoy a full supply of necessaries. True: but there are none but what might, if they would dispense with luxuries. The deficiencies produced by accidental misfortune are supplied by public bounty: and, hating such accidents, the wages of labour, at the lowest rate known in the three kingdoms are such as will leave nothing to desire on the head of real necessities.* To the extent of their means the poorest enjoy at any rate the liberty of choosing.

This economy will be no violation of the rule of lenity: though superfluous gratifications be so far denied, no bodily sufferance is produced. The

* See this abundantly proved by Dr. A. Smith in the *Wealth of Nations*.

privation is not carried beyond the bounds which the rule of severity prescribes. While so many honest men fail of being satisfied in quantity, why should criminals be indulged in quality?*

Nor does the rule of severity exclude a certain measure even of super-necessary gratification. The

* The privation, there is reason to think, is much more apparent than real. At the utmost it can amount to no more than the loss of such part of the gratification as depends on relish: that which depends upon appetite remains untouched, being inseparable from the satisfaction of the demands of nature. This latter part is perhaps the more considerable: nor is the loss incurred on the other score sustained without an indemnification. In the pursuit of that part of the gratification which depends on relish, a great part of that which depends on appetite is habitually given up. Eating oftener or more than they need, men eat with so much the less appetite. The poor give up one part of the gratification, the rich another. Whether the poor sustain any habitual loss even in point of relish is as yet all not altogether clear. The loss of the enjoyment of occasional feasting is perhaps the only real loss sustained. In this too the poor are but upon a par with the richest class of all. Food affords a feast to those only to whom it is rare: those who appear to feast always never feast at all. Confinement to the least palatable kind of food, so far then from being too severe a punishment, would be no punishment at all, were it not for some antecedent experience of better fare. What punishment is it to the Hindoo to be forbidden roast beef, and to be confined to rice? How many dishes are coveted by the rich that would be spurned at by the poor?

rule

rule of economy, as we shall see, not only admits but necessitates the calling in the principle of reward: and reward might lose its animating quality, if it were debarred from shewing itself in a shape so inviting to vulgar eyes. Nor when all the luxury that economy can stand in need of is thus admitted, need there be any apprehension lest the rule of severity should be violated by the admission, and the lot of labouring Prisoners be rendered too desirable. The irksomeness of the situation strikes every eye: the alleviations to it steal in unobserved.

Punishments affecting health, or life, by imposing on men the obligation of exercising any employment injurious in that way, are productive of the collateral inconvenience of imposing hardship on innocent men, by holding up the occupation they follow in an ignominious point of view, and disposing them to be discontented with their lot.

An occupation of this nature will hardly be imposed, but under the notion of causing to be done for the community something or other which would not be done for it at all, or at least not so well or not so cheap, otherwise. But no occupation of that tendency can be assigned, which would not be, and if the law permits is not already, embraced by
a sufficient

a sufficient number of free individuals; who being paid what in their instance and according to their estimation is an equivalent, carry it on by choice. Whether the work done by compulsion, is done upon the whole cheaper for its goodness than the work done voluntarily, is as it may be: but what is certain is, that those who submitted to it without regarding it as a hardship, find it converted to their prejudice into a hardship which it was not before.

As to the rule of economy, its absolute importance is great, its relative importance still greater. The very existence of the system, the chance I should say, which the system has for existence, depends upon it. That in all other points of view this mode of employing criminals is preferable to any other, seems hardly to be disputed: but what men are afraid of is the expence. Let the rule of economy be steadily submitted to and prudently turned to count, frugality will gain as much by the Penitentiary system as every other end of punishment.

In such a situation, whatever expence is incurred, or saving foregone, for the mere purpose of adding to the severity of the punishment, is so much absolutely thrown away. For the ways in which

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any quantity of sufferance may be inflicted without any expence are easy and innumerable. Instances of this waste have been already seen in a preceding section;* more will be found in a succeeding one.†

The measure of punishment prescribed by the rule of severity and not forbidden by the rule of lenity being ascertained, the rule of economy points out as the best mode of administering it, the imposing some coercion which shall produce profit, or the subtracting some enjoyment which would require expence.

* See part I. § 24.

† § *Employment.*

§ 2. *MANAGE-*

concerned, upon those points depends, as we shall see, the demand for regulations. Adopt the contract-plan, regulations in this view are a nuisance: be there ever so few of them, there will be too many. Reject it, be there ever so many of them, they will be too few.

Contract-management, or trust-management? If trust-management, management by an individual or by a Board? Under these divisions every possi-

ble distinct species of management may be included. You can have nothing different from them unless by mixing them.—In an economical concern like this, contract-management, say I: Board-management says the Act. Which says right?—I.—Who says so?—The Act itself.—A principle is laid down: I adopt it.—Regulations are made: they violate it. What is the consequence? Error upon error, as well as inconsistency. Error in preferring trust-management to contract-management: error in preferring board-management to trust-management in single hands. Error in opposite shapes, both embraced at the same time. Trust-management appointed where nothing but contract-management was tolerable: Contract-management preferred in the instance where, if in any, trust-management might have been harmless and of use.

By whom then, shall we say, ought a business like this to be carried on?—By one who has an interest in the success of it, or by one who has none?—By one who has a greater interest in it, or by one who has an interest not so great?—By one who takes loss as well as profit, or by one who takes profit without loss?—By one who has no profit but in proportion as he manages well; or by one who,

who, let him manage ever so well or ever so ill, shall have the same emolument secured to him? These seem to be the proper questions for our guides. Where shall we find the answers?—In the questions themselves, and in the Act.

To join interest with duty, and that by the strongest cement that can be found, is the object to which they point. To join interest with duty, is the object avowed to be aimed at by the Act. The emolument of the Governor is to be proportioned in a certain way to the success of the management. Why?—that it may be “*his interest*” to make a successful business of it—“*as well as his duty*.* How then is it made his interest? Is he to take loss as well as profit?—No: profit only. Is he to have the whole profit?—No: nor that neither: but a part only, and that as small a part as gentlemen shall please. Well—but he is to receive none, however, if he makes none? Oh yes—as much profit, and that as secure an one as gentlemen may think fit to make it. He may have ever so large a share of any profit he makes, or ever so small a share, and whether he makes any or none.

* 19 Geo. III. ch. 74. § 18.

he may have a salary, all the same. Let him get as much as he will, or get as little as he will, or lose as much he will, or waste as much as he will, he is to have a salary for it, and in all these cases the same salary, if they please. All this in the same section and the same sentence which lays down the junction of interest with duty as a fundamental principle.

And whom does the management depend upon after all? Upon this Governor? Upon the man in whose breast this important junction is to be formed?—Oh, no:—upon a quite different set of people: upon a Committee. And who are this Committee?—A set of trustees, three in number, who would be turned out with infamy, if they were found to have the smallest particle of what is here meant by *interest* in the whole concern. *They* are the persons to manage, they are the persons to contrive: they are the persons to work: the Governor with his magnificent title is to be their tool to work with. Upon them every thing is to depend: upon his Excellency nothing: He is their journeyman: they are to put him in, they are to turn him out, and turn him out when they please. Three “gentlemen, or other creditable

§ 2. *Managements—Why by Contract.* 23

“creditable, and substantial persons,”* who are to come now and then, once in a *fortnight* or so,† as it suits them, sometimes one sometimes another, when they have nothing else to do, these are the people who are to govern: the person who is to be nailed to the business, and to think of nothing else, the person upon whose shoulders the whole charge of it is to lie, the Governor *a non gubernando, ut lucus a non lucendo*, is to be a puppet in their hands. As to *their* doing their duty, how that is to be brought about seems not to have been much thought of. He however is to do his: that he may be sure to do it, it is to be made his interest: that it may be his interest, he is to have a motive given him for doing it, and that motive is to be a “*profit*,” he is to have “*upon the work*.” This profit, what is it then to depend upon?—Upon *his* exertions?—No: it is to be fixed by the Committee: and whether when fixed it shall amount to any thing, is to depend upon *their* management: upon their wisdom, their diligence and their good pleasure.

: Power and inclination beget action: unite them, the end is accomplished, the business done. To

* § 35. † § 45.

C +

effect

effect this union in each instance is the great art and the great study of Government.—How stand they here?—Instead of their being brought together, they are kept at arms length. Power is lodged in one place, inclination in another: as to their ever coming together, if they do they must find the way to one another as they can. The Committee, with the inducements given to the Governor, might have done tolerably: the Governor with the power given to the Committee, better still.—Which of these plans is pursued?—Neither. The Governor, thanks to the pains that have been thus taken with him, has all the inclination in the world to make good management of it: but as to the power it is none of his. The Committee have power in plenty: but as to inducements to give them inclination, they have none. At least if they have any, it is not for any thing the Act has done to give it them: if they have any, it is to bountiful nature they are indebted for it, and to themselves. Taking such opposite courses, can the Act be right in both?—I don't see how.—If it is not redundant in the one instance, it is deficient in the other. Sir Kenelm Digby invented a sympathetic powder: applied to one body, it was to cure wounds in another

ther. The prescription here proceeds upon the same principle. Money is put into the hand of the servant, called a *Governor*: and the reward thus applied is to operate upon the affections, and determine the conduct, of the masters—the Committee. Under such a constitution upon what does the chance it leaves for good economy depend?—Upon the Governor's writing orders for himself, and *their* signing them: upon their being pensioned by him, or acting as if they were.

When I spoke of their having the power, all I meant was, that what power is given, such as it is, is in their hands. But it is a power big with importance.—What is to be the number of this Committee? Three, and three only. What if one of them should be ill, or indolent, or out of the way, or out of humour, and the two others should not agree? What is to be done then? Nothing.—

What then is to become of the establishment?—It is to go to ruin. The prisoners are to sit with their hands before them and starve. For not a handful of hemp, no, nor a morsel of bread can the Governor buy or agree for, without the Committee. (§ 21.)

Oh, but any two may act, says the statute, without the other.—Yes that they may, and how is it to be done?

The

The two who by the supposition can't agree, are to agree which of them shall be Chairman, in order that there may be one of them who shall have every thing his own way.* For such is the constitution of this Committee: an Assembly of two, one of them with a casting voice.

If two heads, while they remain two heads, cannot govern the smallest household, what will they do in so large an one? If division begets confusion in a family of three, what must it do in a family of thrice three hundred?

The complication was not yet thick enough. Clouds are heaped upon clouds: all to give shade and perfection to economy. I shall not however spend many words upon the orders and regulations that were to be made, all for the benefit of this infant plant by a legislature composed of three estates; the governing Committee, the Justices of the peace in quarter sessions, and the Judges of assize, or if in Middlesex, of the King's Bench: of whom the Judges of assize, were to listen to plans of household and mercantile management with one ear, while they were trying causes with the other, in

* §. 15.

a country

a country through which they were riding post.—
Oh no, no:—its your mistake—It was not to meddle with economy that the Judges were called in: it was to check cruelty, to prevent negligence, to restrain mischievous indulgence, to enforce good morals.—I do not mistake. It was for economy and for nothing else. Had the Hulks Committees to regulate for them, or Justices of the Peace to check the Committees, or Judges to check the Justices? Were the Hulks more exempt from danger of cruelty, or negligence, or partiality, or corrupt indulgence, or bad morals?—No: but on board the Hulks there was no economy to nurse: so that Courts of quarter sessions, and Judges of assize, and Courts of King's Bench would there have been of no use.

But are not there establishments of a similar nature actually governed by multitudes? Yes, plenty: but why?—because the multitudes, though such in shew, are in effect reduced to one. So far as the multiplicity has its effect, it does mischief, and mischief it continually is doing: so far as it has no effect, it does none. The colleagues jostle and jostle, till they find out which of them is the strongest; the business goes on, when like the serpent and the fowls, one of them has swallowed up the rest. Sometimes

times, if the power be large enough to cut into shares, the battle ends by compromise: what was given in coparcenary, is used in severalty: and as nature will sometimes repair the errors of the physician, compact furnishes a palliative for the weakness of the law.

From such a constitution what could have been expected?—What has happened. A Committee is appointed, and the first and only thing they do is to quarrel. The Act for building the house passed in 1779: we are now in 1791, and still there is no house. They quarrelled before the first stone was laid, and before it was agreed where it should be laid: they quarrelled about that very question. But there could not have been a stone laid but what would have been just as capable of raising a quarrel as the first. No, nor a barrel of flour been to be bought, nor a bundle of hemp, nor a petticoat, nor a pair of breeches. The constitution being such as it was, the happiness was that it shewed itself so soon. Better the project should stop, as it did, as soon as the ground was bought, than after £120,000 had been spent in covering it, and perhaps as much more in stocking it. *Oh, but*

it was by accident that it stopped—no—it was not by accident—it was by the nature of things.—You have seen it was—it would have been by accident if it had gone on.

And does not management of all kinds go on, and go on very well, in *partnership*? To be sure it does. Why?—Because common interest either keeps men together or separates them in time. Agreeing, they cast their parts and divide the business between them as they find convenient: disagreeing, they can part at any time. Necessity compels the separation: ruin is the penalty of refusal.—How is it with a set of uninterested board-managers like the Committee? Going, they lose every thing: staying, they lose nothing—whatever comes of the trust.

Economy has two grand enemies: *peculation* and *negligence*. Trust-management leaves the door open to both: Contract-management shuts it against both. Negligence it renders peculiarly improbable: peculation, impossible.

To speculate is to obtain, to the prejudice of the trust, a profit which it is not intended a man should have. But upon the contract plan, the intention and the declared intention is, that the Contractor shall have every profit that can be made.

Does

* Does the trust lose any thing by this concession? no: for it makes him pay for it before hand. Does he pay nothing or not enough? The fault lies, not in the contract plan in general, but in the terms of the particular contract that happens to be made: not in the principle, but in the application.

As to negligence, to state the question is to decide it. Of whose affairs is a man least apt and least likely to be negligent? another's, or his own?

Economy being put under the guardianship of contract-management, what more is it in the power of man to do for it? It has the joint support of the principles of reward and punishment, both acting with their utmost force, and both acting of themselves, without waiting for the slow and unsteady hand of law. What the Manager gains stays with him in the shape of reward: whatever is lost falls upon him in the shape of punishment. In this way, public economy has at least all the support and security that private can ever have.

* This is to be understood only in as far as profit and loss is the avowed object. As to sacrificing to schemes of profit some other of the ends in view, such as good morals, proper severity, or proper indulgence, it forms a separate consideration, and will be spoken of in its place.

It

It has more. It has a support peculiar to itself—publicity: and that in every shape: at least it may have, and as we have seen already, ought to have.* To publish his management a man must attend to it: and the more particular he is obliged to be in his publication, the more particularly he must attend to it. What safeguard is there in private management that can compare to this?—It is not in human nature to go on for a length of time in a course of notorious mismanagement and loss. A man could not help seeing it of himself: and if he could, the public would not let him. He must mend his management or quit the scene. False accounts he could not publish: what hope could he have of keeping the falsehood from discovery? The attempt to conceal mis-management in this way would cost more trouble than to avoid it. To enable the public to look at his accounts, a man must look at them himself. No man travels quietly on in the road to ruin with the picture of it before his eyes. When a man fails through indolence or negligence, it is because he keeps no accounts, or has not the heart to look at them. There is little danger that a man chosen for such a situation should publish accounts that were imperfect or confused:

* Letters IX and XII.

it would be a confession of incapacity or fraud: if there were, a form might be prescribed to him; and a form exhibited by the first contractor and approved of by the public, would be as a law to his successors. They might make it more instructive, they would not dare to make it less so.

Economy, I have said, should be the leading object: and it is principally because the contract plan is the most favourable to economy, that it is so much superior to every other plan for this kind of prison management. But turn the subject all round, view it in what lights you will, you will not find any on which the contract plan is not at least upon a par with trust-management, even in its least exceptionable form. Economy out of the question, turn to the other *ends* which a system of prison management ought to have in view.—In which of all those instances is a contracting manager more in danger of failing than an uninterested one? Turn to the two other *rules* that have been put in a line with that of *economy*, and in the infringement of which, in some way or other, every species of mismanagement in such a situation may be comprised—which of them is a contractor, with the guards upon him that we have seen, more likely to infringe

infringe than a manager who has no pecuniary interest at stake? In every one of these points we shall find the probity of the uninterested trustee exposed to seductions from which that of the contractor is free: that of the latter armed with securities with which that of the former, if provided, is not provided in the same degree. What I allude to is popular jealousy: but of that a little farther on. Turn to the *motives* which a man in this situation can find for paying attention to his duty. In the instance of the uninterested manager what can they be?—Love of power, love of novelty, love of reputation, public spirit, benevolence—But what is there of all this that may not just as well have fallen to the contractor's share? Does the accession of a new motive destroy all those that act on the same side? Love of power may be a sleepy affection: regard to pecuniary interest is more or less awake in every man. Public spirit is but too apt to cool: love of novelty is sure to cool: attention to pecuniary interest grows but the warmer with age.

Among unfit things there are degrees of unfitness. As trust-management is, in every form it can put on, ineligible in comparison of contract-management, so among different modifications of trust-management is board-management in comparison

of management in single hands. When I speak of single-handed management as the better of the two, I mean it in this sense only, that, by proper securities it may be made better than the other is capable of being made by any means. Pecuniary security against embezzlement: publicity in all its shapes, against speculation and negligence. In board-management, danger of dissention, want of unity of plan, slowness and unsteadiness in execution, are inbred diseases which do not admit of cure.

When single management has given cause for complaints, it has been only on account of some accidental concomitant, or for want of those effectual checks of which it is in every instance susceptible.

A manager has in his hands large sums of public money more than are necessary for the service. Is this the fault of single management? No: but of the negligence of the law, which leaves so much public money in private hands. A manager holding public money in a quantity not more than sufficient embezzles it. Is this the fault of single management? No: but of those who let him have it without account, or without security.

Can these guards or any guards ever put uninterested management even in single hands upon a
par

par with interested? Never: till human nature is new made. They will prevent speculation: they will prevent gross negligence: they may prevent all such negligence as is susceptible of detection. Will they screw up diligence and ingenuity to their highest pitch? Never while man is man: a man himself can never know what he could get, unless the profit is his own. What a man has got and pocketed, or thrown away, you may punish him for: can you punish him for the extra profit which, for want of a peculiar measure of industry and ingenuity, such as the genial influence of reward could alone have inspired him with, he failed of getting?—*Good* and *bad* are terms of comparison. Be your management ever so thrifty, or ever so productive, you can never know which epithet it deserves till you have seen it in interested hands. Till then, you have no standard to compare it to. Good in comparison of what it has been, it may be bad in comparison of what it might be.

The advantages of the contract mode over both the others are not yet at an end. Along with uninterested management goes a salary. This is at least a natural arrangement, and under the prevailing habits and modes of thinking the only

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probable.

probable one. This salary is so much thrown away. *And will not a contractor equally require payment?* Doubtless; but where will he look for it? To the fruits of his own industry, not of other mens. The difference in point of productiveness between management with and management without interest, is the fund he draws upon for his salary, and there needs no other.

I said *thrown away*; but it is worse than thrown away. It is so much thrown into the treasury of corruption; otherwise called the stock of influence. Whether in the British constitution the quantity of that stock requires diminishing, has been matter of debate: that it is in any need of encrease, seems never to have been so much as insinuated.

In this respect, if trust-management in single hands is bad, board-management is worse. It is worse in proportion to the number of the members. Though the salary and consequently the waste should be no greater in this case than the other, the influence and consequently the means of corruption is abundantly so. One man with three hundred a year is but one placeman: a board of three with three hundred a year amongst them makes three placemen: each with a train of contingent

tingent remainder men at his heels, all equally upon their knees to influence. In political corruption as in physical, to every mass of substantial putridity you have an indefinite sphere of equally putrid vapour. *And do not contracts make influence as well as places?* —Not if made as they ought to be and might be. The contractor's dependence is on the advantageousness of his offer: the placeman's on the interest he can make with the distributors of good things.

Salary, according to the usual meaning of the word, that is, pay given by the year, and not by the day of attendance, so far from strengthening the connection between interest and duty, weakens it: and the larger the more it weakens it. That which a salary really gives a man motives for doing is the taking upon him the office: that which it does not give him any sort of motive for, is the diligent performance of its duties.

It gives him motives, if one may say so, for the non-performance of them: and those the stronger the more there is of it. It gives him pleasurable occupations to which those laborious ones are sacrificed: it sets him above his business: it puts him in the way of dissipation, and furnishes him with the means. Make it large enough, the first thing

he does is to look out for a deputy: and then it is what the principal gives the deputy, not what you give the principal, that causes the business in any way to be done:

In the instance of the contracting manager, the greater the success of the management, the stronger the motive he has to do his utmost to encrease it. In this instance the emolument is in reality a reward: in that of the placeman, only in name. In the latter case, the service with which the emolument is connected is, not the successful performance of the business, but the mere act of undertaking it.

This is not all. Salary, in proportion to its magnitude, not only tends to make a man who happens to be fit for his business less and less fit, but it tends to give you in the first instance an unfit man rather than a fit one. The higher it is, the nearer it brings the office within the appetite and the grasp of the hunters after sinecures: those spoiled children of fortune, the pages of the minister and of every minister, who for having been born rich claim to be made richer, whose merit is in their wealth while their title is in their necessities, and whose

whose pride is as much above business as their abilities are below it.

If you could get a manager for nothing, though he will serve you less badly than if he had a salary, he will not serve you so well as a contractor. What he gains or saves may be an amusement, but what he loses or fails to gain will be no loss to him. From his desiring the situation without salary what is certain is, that he loves the power: what is not certain is, that he loves the business: should the work at any time be too heavy for him he can shift it off upon any body, the power remaining where it was. From his liking the business while it is a new thing, it does not follow that he will continue to like it when the novelty of it is worn away. From his retaining the situation when he has got it, it does not follow that he likes the business of it, or that he likes any business: for the giving it up would require an effort and the retaining it requires none. The chance of extraordinary profit (I mean with reference to trust-management, for with reference to common mercantile management it is but ordinary) is upon the same inferior footing as before: and so is the security against positive loss, whether resulting from negligence or speculation. In the nature

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of

of things is it possible that a man who has no interest in the business should be as much attached to it, as zealous to make it succeed, as one whose all depends upon it?

The unpaid as well as uninterested manager stands behind all others on another account. The more confidence a man is likely to meet with the less he is likely to deserve. Jealousy is the life and soul of government. Transparency of management is certainly an immense security: but even transparency is of no avail without eyes to look at it. Other things equal, that sort of man whose conduct is likely to be the most narrowly watched, is therefore the properest man to choose. The contractor is thus circumstanced in almost every line of management: he is so more particularly in the present. Every contractor is a child of Mammon: a contracting manager of the poor is a blood-sucker, a Vampire: a contracting jailor, a contracting manager of the imprisoned and friendless poor, against whom justice has shut the door of sympathy, must be the cruellest of Vampires. The unpaid as well as uninterested manager is of all sorts of managers the most opposite to him who is the object of this distinguished jealousy: He expects
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and receives confidence proportionable : though on several accounts not entitled, as we have seen, to so much, he enjoys more. A man who in a station so uninviting has the generosity to serve for nothing, while others who occupy the most flattering situations are so well paid for it, will assume to himself accordingly, and make in other respects his own terms: Unless the honour of serving the public *gratis* were generally put up to auction, a plan never yet proposed, nor the more likely to be adopted for being proposed, this must always be the case. Standing upon the vantage ground of disinterestedness, he looks down accordingly upon the public, and holds with it this dialogue. Gentleman Manager. *I am a gentleman : I do your business for nothing : you are obliged to me.*—Public. *So we are.*—Gentleman Manager. *Do you mind me ?*—*I am to get nothing by this :—I despise money :—I have a right to confidence.*—Public. *So you have.*—Gentleman Manager. *Very well then—Leave me to myself—Never you mind me—I'll manage every thing as it should be—I don't want looking after. Don't you put yourselves to the trouble.*—Public. *No more we will.*—What is the fruit of all this good understanding? Frequently negligence: not unfrequently

frequently peculation.* Peculation, where it happens is not liked: but of what is lost by neg-

* It was but t'other day that a very respectable society, instituted for the most benevolent of purposes, lost in this way more than half its funds. They were in a single hand.—Board-management would have saved them.—Is board-management therefore necessary?—By no means. The man in whose hands they were lodged had nothing of his own: no pecuniary security had been required of him. Legal powers were wanting.—No authority to examine him: no court to summon him to. He would give in no accounts: perhaps he had kept none. What he had he gave: fine sentiments and fine periods in plenty. He was a gentleman: he had given his time for nothing: the same benevolence that had prompted others to give their money had prompted him to receive it. Was such a man to be questioned? Questions import suspicion. Suspicion by a man of fine feelings is only to be answered by defiance.

Not long ago, another man ran away, having been detected in a course of fraud by which he had gained to the amount of some thousand pounds at the expence of a parish. How came this? He too was a gentleman: serving the public without pay he was not to be suspected. He gave in accounts from time to time, such as they were: but, not being published and distributed, they were accessible only to a few, who had too much good manners and too much faith to look at them:

Neither is board-management, even where carried on without pay, by any means exempt from peculation. I have instances in my eye: but what is not public cannot be mentioned publicly. Nor can instances be wanting to any one who has read the instructive but melancholy view given by Howard in his book on Lazarettes,

ligence no account is taken. So good are the public, and in theory so fond of virtue, they had rather

rettos, of the state of the charities in Ireland. In England, parochial peculation is become proverbial.

One of the Scipios, being in a pecuniary office, was called upon for his accounts.—Gentlemen, said he, this day so many months, I got a prodigious victory.—*Scipio for ever!* was the cry, *and no accounts!* According to the mob of Scipio's days, and according to the mob of historians of all days, the author of the motion was a calumniator: according to others Scipio had a good countenance and knew the people he had to deal with. In Scipio's case, were I guilty, and bold enough, I would do exactly as Scipio did. Were I innocent, I should regard the obligation of publishing accounts, not as a burthen but as a privilege.

A prevailing but erroneous propensity, derived from the times when the means of publicity were not so easy as at present, is to cramp power and leave the exercise of it in the dark. Every thing is by this means against the upright manager, every thing in favour of the corrupt and intriguing one. A board is instituted, consisting of members with powers apparently equal, but of whom all but one are reduced to cyphers, by support secretly whispered into the ear of one and withheld from the rest. This is another instance that may be added to the ways in which the mischief of division is palliated, and a government apparently of many reduced to a government by one. Where in consideration of character and situation any thing more than ordinary in point of confidence is thought fit to be reposed, removal of clogs and enlargement of powers is the proper shape for it to shew itself in. As to secrecy, there are few affairs or departments indeed in which, except it be
just

44 § 2. *Management—Why by Contract.*

see five hundred pounds wasted at their expence than five shillings gained.

Between the public and the candidate for a management contract there passes, or at least might be made to pass, a very different conversation.

Public. *You are a Jew.*——

Contractor. *I confess it.*——

Public. *You require watching.*——

Contractor. *Watch me.*——

Public. *We must have all fair and above board. You must do nothing that we don't see.*——

Contractor. *You shall see every thing. You shall have it in the News-papers.*——

Public. *Contractors are thieves.*—Sir, you must be examined.——

Contractor. *Examine me as often as is agreeable to you, gentlemen: any of you, or all of you. I'll go before any court you please. Thieves stand upon the law, and refuse answering when it would shew you*

just for the moment, it can be either necessary or of use: none at all in which the curtain might not and ought not at some period or other to be drawn aside. And it is one of the advantages attending the encreased power of the public eye, that the amplitude of discretion, so necessary in most instances to good management, may be given on such terms with more security than heretofore.

what

what they are. I refuse nothing. I stand upon nothing, gentlemen, but my own honesty, and your favour. If you catch me doing the least thing whatever that should not be, let my Lord Judge say go, and out I go that instant.

Choosing board-management, the Penitentiary Act, to do it justice, was as moderate under the articles of salary and influence as it well could be. Seven persons only can be found with useless salaries :*

* Seven—did I say?—I was too hasty. I should have said nine : adding to the seven, one of the two Surgeons, and one of the two Chaplains.—Two sexes, two houses : two houses, two Chaplains, and two Surgeons. This is trust-logic, fine gentleman's logic, placeman's logic.—Contract logic is of humbler mould.

1. As to *Surgeons*—Suppose one sick out of ten : 90 sick at a time out of the 900. The supposition is extravagantly large and beyond experience : but it will serve for a supposition. For tending these 90 there is the medical assistant's whole time : a surgeon will attend a greater number than this at an hospital in addition to his private practice. For the mechanical part of the business he might likewise find assistance enough if necessary amongst the most intelligent and orderly of the prisoners. This is actually practised on board the Hulks.—One Surgeon then to make trial with?—*No*—Well, but if upon trial of two, one is found superfluous—*No* again : the Act is inexorable. Though the Committee and every body else should find one of the two useless, two there are to be, in spite of all the world. See § 19. The paragraph puts the case and decides upon it.

2. As

46 § 2. *Management—W by by Contract.*

the two nominal Governors, the three who compose the governing Committee, their Clerk, and the Inspector, in as far as his office regards the Penitentiary-house. The Governor's and Committee Clerk's salary was to be settled by the Committee: the Committee though appointed according to custom by the crown, were to have their salaries settled by another authority, Justices of the Peace in Sessions. The Inspector, an officer to be appointed by the crown, is the only one of them whose salary is fixed by the Act: £200. a year, a salary moderate enough, if it had been of any use. Even the board, thus confined to the smallest number possible, were to have no pay but in proportion to attendance: an excellent regulation, which, while it ensures affi-

' 2. As to Chaplains—Divine service, instead of twice in each of two chapels, four times a day, suppose, in one:—how many Curates are glad to do this, besides marriages, baptisms and burials? *Oh, but Sunday is but one day. You forget the other six.*—No: not I indeed.—I know who do: but I am not one of those. My Chaplain would not find less to do on the six than on the seventh. But this is heresy: and what right have I to attribute my heresies to the authors of the Penitentiary Act.

But why service at different times? even upon the common plans.—In the Magdalen Chapel, is there not a numerous company of females concealed from every eye.

duity

duity in this bye-corner of the political edifice, is a satire on the rest.*

* A word or two may not be amiss by way of recapitulation. Interested management, when accompanied by the safeguard of which it is susceptible, has the advantage of uninterested management however modified : 1. In carrying the probability of the best economy to the highest pitch ; 2. Exciting scrutiny by the jealousy it inspires. In these particulars it has the advantage of uninterested, even where the latter is in single hands, and those unpaid.

Where trust-management cannot be had without salary, contract-management may be expected to have the farther advantage of saving the amount of the salary.

The inconveniences resulting from salary are : 1. Waste of money : 2. Encrease of the influence of the crown : 3. Tendency which the salary has to give birth to negligence ; and that partly by setting a man above his business, partly by throwing him in the way of occupations that draw him off from his business : 4. Tendency which it has to throw the place into the hands of a person originally unfit for it.

The farther inconveniences resulting from board-management in contradistinction to trust-management in single hands, are : 1. Multiplied waste of money : 2. Multiplied encrease of influence : 3, 4, 5, and 6. Detriment to economy by delay, by want of unity of plan, by fluctuation of measures and by disagreement.

Payment according to attendance is a good security, as far as it goes, against non-attendance : (a deposit besides to be returned upon attendance, would be still stronger ;) but still it can never put
board.

The contract plan, I have said, saves a world of regulations. It does most certainly—What object should they have? *Prevention of cruelty?* Details will never do it. If the disposition exists, tie it down in one shape it breaks out in another. Checks for this purpose must be of a broader nature: broad enough to comprehend the mischief in all its forms: life-insurance, transparent management, summary justice.*—*Prevention of undue lenity and indulgence?* A very little in this way will suffice. Self-interest is the great check here: it may be trusted without much danger: Few indulgences but either cost

management upon a par with single management guarded as above, much less upon a par with contract management. Where the mind is absent or indifferent, the presence of the body is but of little use.

To what degree of perfection might not government be carried, were it possible to give equal strength to the connection between interest and duty in every other line of service?—Were it possible that in the administration of justice, for instance, the Judge, without any formality of law, should be a gainer of course by every right judgment he gave, and a proportionable loser by every erroneous one?—That in the spiritual department, the pastor should not only gain, but be seen to gain a step himself by every successful lift he gave to any of his flock in the road to heaven, and to suffer for every soul that lost footing by his negligence?

* What details are there on this head in the law of master and apprentice?

money

money, or diminish labour. The only danger is, lest some which are improper on other accounts should be granted for the sake of money: such as spirituous liquors,* gaming, and a few others. These indeed may be refused by law: but these come within a narrow compass. *Economy?*—Is that the object? Under the contract-plan the idea would be too ridiculous. Is it in spite of his teeth, that a man is to be made to pursue the management that would answer best to him?

Under the plan of trust-management, such care may not be altogether superfluous. Two qualities are requisite: intelligence and industry. On neither head can the legislator be absolutely at his ease. Of himself he is sure: he cannot be equally sure of his unknown deputy. He himself has the business at heart and in his thoughts: whether the future manager will either understand or care any

* A prohibition on this head inserted into the Penitentiary Act has been attended with the happiest consequences. To this cause principally if not solely may be attributed the general good health of the convicts on board the Hulks, as noted in Part I. § 24, and of those at Wymondham. The success of this single clause has made ample payment to the authors of the Penitentiary Act for all their trouble, and to the public ample atonement for their errors.

PART II.

E

thing

thing about the matter is as it may happen. The principal has to teach him his duty, and when taught to keep him to it. Is the contractor to be treated in the same manner? Yes: if it requires the same pains to make a man pursue his interest, as to keep him to his duty.

Mistakes if made by legislation, cannot they be corrected by legislation?—O yes—that they may: and so may mistakes in generalship. In what time? With good fortune, in a twelvemonth: with ordinary fortune, in two or three years or in another Parliament. When the army has been cut to pieces, for having been enacted to march the wrong way, get an act of Parliament and you may order a retreat. When the capital has been sunk in a bad trade, get an act of Parliament, and you may try another.*

Spite of all this, economy was to be beat into men's heads by a legislative hammer. Rules of economy for almost every branch of the concern: building, employment, diet, bedding, furniture —

* Looking at the Governor, and his Governors, the Committee, I cannot help thinking of a General under Field-deputies. One set is, I believe, the most ever General was saddled with, and they have commonly given him sufficient trouble. The General of the Penitentiary Act has three sets of them one above another: a Standing Committee, Justices in Sessions, and Judges of Assize.

And what comes of it all?—We shall see.—It will be worth seeing. Who are they whose labours, thus employed, are worse than thrown away? Are they without name or reputation?—They are among the highest on the list of public men.

Notwithstanding all this pains taken to teach as well as to enforce good economy, should bad economy prevail after all, observe the remedy. By § 62, provision is made for “checking or redressing “waste, extravagant expence and mismanagement.” Justices in Sessions upon inspection of the accounts may report it to the King’s Bench, “who shall take order therein immediately:” but the waste must be “notorious,” and the mismanagement “gross.” *Immediately* after what?—After hearing the report: that is half a year perhaps after the “observation” of the mischief, and quarter of a year more perhaps after the commission of it; the delinquency going on all the while. Whoever will take the trouble to compare the times of Quarter Sessions and Law Terms, will find that this remedy, such as it is, is in season *only* in the spring and winter months, and then is not a very speedy one. Against “waste” at least, and “extravagant expence,” and every mismanagement

by which the contractor would be a loser, the remedy afforded by contract-management is rather more simple, and is in season all the year round.

Oh, but this contract-plan—it's like farming the poor: and what a cruel inhuman practice that is!— Be it so in that instance: the present is a very different one.

1. The objects or *ends* in view, so far from being the same, are opposite. There, comfort: here, punishment: moderate and regulated punishment indeed, but however punishment. In the one case whatever hardship is sustained is so much misery in waste. In the other case, howsoever it be to be regretted, it is not altogether lost: it contributes at any rate to swell the account of terror, which is the great end in view.

2. Another difference is in the *checks*. Here, an unexampled degree of publicity;—there next to none. There, though no hardships are intended, the severest may take place. Here, whatever are intended to be felt are intended to be seen: and nothing in that way that is not intended can stand any chance of remaining concealed. Who but parishioners, and how few even of them, ever think of looking into a Poor-house? But in what corner of
a Panop-

a Panopticon Penitentiary-House could either avarice or negligence hope to find a lurking place? *Time is fatal to curiosity.*—True; in an individual: but not in a succession of individuals. The great dependence of the Penitentiary-Act is on a single Inspector: *one* Inspector for the *thousand* houses its town was to contain, and who was also to serve for the Hulks, “and all the other places of criminal “confinement in London and Middlesex,” besides: *and so well satisfied is it with this security as to allot £200. a year to pay for it. Let money or friendship, (no very extravagant supposition) make a connection between this Inspector and the managers he is to inspect, what is the security worth then?—Here to *one* room you have Inspectors by *thousands*. Is it possible that a national Penitentiary-House of this kind should be more at a loss for visitors than the *lions*, the *wax-work*, or the *tembs*? Of the 25,000 individuals born annually in London I want but one out of a hundred, and him but once in his life, without reckoning country visitors. Call it a spectacle for youth, and for youth only:—Youth however do not go to spectacles alone.

* § 63.

E. 3

3: A

3. A third difference respects the *quality* of the managers. For the Poor-house of a single parish what can you expect better than some uneducated rustic or petty tradesman? the tendency of whose former calling is more likely to have been of a nature to smother than to cherish whatever seeds of humanity may have been sown by nature. For a station of so conspicuous and public a kind as that of the Governor of a National Penitentiary-House, even upon the footing of a contract, men of some sort of liberality of education can scarce be wanting: men in whose bosoms those precious seeds have not been without culture. Such men were certainly not wanting for the originally designed Penitentiary-House. Upon what principle should they ever be despaired of for what I hope I may stile the improved one? In a concern of such a magnitude, the profit if it be any thing can hardly be inconsiderable: the number and quality of the candidates may be expected to be proportionable. A station that is at any rate conspicuous, and that may be lucrative, a station in which much good as well as much evil may be done, in which no inconsiderable merit as well as demerit may be displayed in a line of public service, is in little danger

danger of going a begging. And should the establishment be fortunate in its first choice, the reputation of the servant will help to raise the reputation of the service.

Where then is the resemblance? not that I mean to pass any censure on contract-management in the other instance. It may be eligible without any modifications: it may be eligible only under certain modifications: it may be radically and unalterably ineligible. All this I pass over as being foreign to the purpose.

Whoever else may be shocked at the idea of farming out prisoners, the authors of the Penitentiary Act are not of the number. They approve it and adopt it: they confirm it on board the Hulks. What is the business done or supposed to be done on board those vessels?—Scraping gravel from the bottom of a river;—a business in which there was nothing that could be gained or lost to any body: nothing to buy but necessaries, nothing to make, nothing to sell: no capital to be disposed of. What was the business intended to have been carried on in the Penitentiary-Houses?—A vast and complicated mercantile concern:—not one manufacture, but a congeries of manufactures.—They saw before them two establishments: a mercantile and

an unmercantile one. The mercantile, affording peculiar aliment and temptation to speculation:—shrinking, like every other mercantile concern, from the touch of extraneous regulation:—rendering official and mercenary inspection the less necessary by the invitation it holds out to free and gratuitous inspectors:—possessing in that innate facility of inspection a peculiar safe-guard against any abuses that could result from inhumanity or negligence.—The unmercantile concern, affording in comparison scarce any aliment or incitement to speculation:—containing nothing of mercantile project that could be hurt by regulation:—at the same time by the very nature of the place and of the business, excluding all promiscuous affluence, all facility and almost all possibility of spontaneous visitation: possessing in consequence no natural safe-guard against negligence or inhumanity: but rather offering to those and all other abuses a perpetual screen:—in a word, the mercantile concern, by every distinguishing circumstance belonging to it, repelling regulation and trust-management: the unmercantile one, calling for those checks, and admitting of them with as little inconvenience as any other that could be imagined.

Such

§ 2. *Management—Why by Contract.* 57

Such are the two establishments.—What were the modes of management respectively allotted to them?

——To the mercantile, trust-management, board-

58 § 2. *Management—Why by Contract.*

Where there is management that regulation might spoil, they regulate without mercy: where there is nothing to spoil, they abstain from regulating, as if for fear of spoiling it.

The Inspector mentioned in the Act has never been appointed. No powers whatever are given him, unless the right of entry given by implication is to be called a power. The same right is given to Justices of the Peace within their territory (§ 41.) He was to visit and report four times a year. He was to have enough to do besides: for he had the same powers with regard not only to the Penitentiary-Houses, but all the other "places of criminal confinement in London and Middlesex." § 63.

jection that applies with more or less force to both these expedients.

It applies with particular force to the case of a building and establishment altogether separate. The numbers to be provided for being variable, a fixed provision must ever be attended with a loss. The fluctuation to which the total number of prisoners male and female taken together is liable, is a distinct object, for which upon this plan provision has been already made. But the proportion between males and females is equally liable to vary and to fluctuate. Provide two establishments, one for males and a separate one for females; the one may be comparatively empty while the other overflows: at the same time that no relief can be afforded by the superabundance of room in the one to the deficiency of it in the other.*

* The colonization plan, if it is to go on, and if it is to be consistently pursued, will add a factitious cause of variation to the abovementioned natural ones. The average number of female convicts is in a large proportion inferior to that of the males. According to the Penitentiary Act it should be at the most only as one to six, since in the Penitentiary House among 900 prisoners there were to have been only 300 females to 600 males, and there have always been more than twice 900 males on board the Hulks. Were the whole number of females without exception sent to co-

lonize,

The same inconvenience will still obtain in a greater or less degree, in the case of separate wards. Whatsoever be the proportion fixed, Cells will be vacant in one part, while they are wanting in the other.

The best arrangement were the numbers such as to need it, and the proportions suitable, might be to have three Penitentiary Panopticons; one always filled with males, another always filled with females, and a third to receive, in such proportions as accident furnished, the overflowings of the other

colonize, the number would therefore still remain far short of being adequate to the purpose. As far as concerned the female sex the only use of Penitentiary Panopticon would be to keep them during the interval between one colonizing expedition and another. At one time then it may contain hundreds; at another time, none, unless it be the case of married women whose husbands were not comprised under a similar sentence. I know of no case that would afford an exception. Not that of women past child-bearing: not that of those in whom that faculty had suffered a premature extinction: especially as in the latter case the matter of fact does not admit of being ascertained. Even were population out of the question, women would be of indispensable necessity for society and service. In such a situation, every thing in the shape of a woman is inestimable. Here a crowd of reflections present themselves, which however must be dismissed as not being to the present purpose.

two.

two. The difficulty here in question having no place in either of the unmixed establishments, I proceed here on the supposition of a mixed one.

Conceive such a Panopticon divided into two sides: that on the right of the entrance I call the *male* side; that on the left the *female*. For the male side I provide as many male Inspectors as shall be found requisite: adding at least one female, whom I stile the Matron, for the female side. To each sex I allot a separate staircase, running from top to bottom. No female is ever to set foot on any part of the male staircase: no male on any part of the female. Neither is any male in passing from his Cell to the male staircase to pass by any of the women's Cells. He is to come round to the male staircase however distant: and so *vice versa* in regard to females.

Supposing females enough to occupy the whole female side of two stories of Cells, thus far there is no difficulty. I place them in the lower pair of Cells, subjected to inspection from the main or lowest story of the Inspection-tower: viz. that which is underneath the Chapel and in which the annular Inspector's Gallery encloses a circular Inspector's Lodge. The left hand semicircle of the whole circuit,

circuit, Lodge and enclosing Gallery together, I allot to the Matron, with her female assistant or assistants, if such should be found necessary. The right hand I appropriate to the male Inspector with his subordinates. In the Lodge a moveable screen marks their respective territories. In the encircling Gallery a similar screen or a curtain answers the same purpose.*

As far as *sight* is concerned, two pieces of canvas, hung parallel to each other at about 18 inches distance (the thickness of the partition-walls of the Cells) across the Intermediate Area and the Cell-Gallery, will serve effectually enough to cut off from the prisoners of each sex all view of those of the other, even where the Cells are contiguous. In regard to *conversation*, the males on the one side the separation wall, and the females on the other, must respectively be prohibited from approaching

* It is scarce necessary to observe, that screens and curtains and other such moveable partitions intended as obstacles to sight must be double, or may be single, according to circumstances. Where the eye meant to be eluded can gain a near approach, they must be double: otherwise a slit or a pin-hole would be sufficient to frustrate the design. When such approach is not to be apprehended, a single screen answers the purpose.

within a certain distance of the end of that wall, that is, from approaching within that distance of their respective grates : and to enforce the observance of this prohibition, as well as to save the parties from unintentional transgression, a moveable interior grate or lattice-work very slight and very open, or netting, may be placed within each of the two Cells at the requisite distance from the main grate.*

As far as *hearing* is concerned, the separation, it is evident, would be effected in a manner still more simple and effectual, if between the males on the one side and the females on the other, a whole Cell could be left vacant. If then the numbers are such as to leave any such vacant Cells, the vacancy will of course be left in the spot where it answers the purpose of separation. Should the number of Cells occupied by females be even, but less than the number contained in the female side of two stories of Cells, the mode of effecting the separation is almost equally simple. The set of moveable partitions must be shifted accordingly, viz. the curtains crossing respectively the Inspector's Gallery, the Intermediate Area at that height, and the Cell

* It must have a door of the same materials, with a lock to it, corresponding to the door of the exterior grate.

2.

Gallery

Gallery, and the screen which separates the Matron's side from the male side of the Lodge.

If the number of female Cells, though still even, should be greater than as above, two modes of making provision for it present themselves. One is, to enlarge the Matron's side of that floor at the expence of the Male-Inspector's, as the latter was on the former supposition enlarged at the expence of the former: the other is to leave the division even, and take what farther Cells are requisite for females from a higher pair of Cells: parting off the corresponding part of the Inspection-Gallery, the Annular-Well, and the Cell-Galleries, as before.

Is the number of Cells an uneven one? The mode of effecting the separation is again somewhat different, though still scarcely less obvious than before. In this case, the female part in one of the stories of a pair of stories of Cells would extend further than in the other: hang the separation-curtain in the Annular Area as you please, a female Cell must be exposed to the view of a male Inspector, or a male Cell to that of a female one. To obviate this irregularity, one of the Cells must be left vacant. If the number on the establishment should be short of the full complement, it would

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be

be only leaving the vacancy here instead of else where: if it should have the full complement or more, the inhabitants of the vacant Cell must be turned over to other Cells, which will thus be in the case already explained of having a *super-complement*.

On the sunk story from which the exit is into the Yards, and in particular at the exit, the separation is still more perfectly effected and more easily managed. A single piece of canvas let fall from the Inspector's Bridge across the Intermediate Area does the business at once.

Here may perhaps occur, as a disadvantage, what on a general survey appeared in the light of an advantage, that each Inspector, over and above the perfect view he has of his own pair of Cells, has a partial view of all the others in the same pile. Hence it will be observed that, notwithstanding the precautions above detailed, a male Inspector will have some view of a female Cell: and *vice versa*, though it be less material, a female Inspector will have a similar view of a male Cell. The answer is, that the boundary line, viz. that at which a prisoner begins to be visible to an Inspector in the Gallery above or below the one belonging to the Cell in question, will appear in practice beyond danger of mistake.

Within

Within this line, which may be sufficiently defined by a very simple mark, such as a rope hung across, the female prisoners may be warned and enjoined to confine themselves at stated portions of the twenty-four hours. For in regard to such an imperfect and distant view, decency is the only consideration that makes it very material to place the female part of the prisoners so compleatly out of sight of the male part of the Inspectors: and it is only to certain times and certain occasions that the laws of that virtue will in such a case apply. The imperfect view from a superior or inferior story of the Inspection-part is in few instances so extensive, but that a female prisoner, in dressing herself, for example, or undressing herself, may be perfectly out of the reach of a male Inspector's eye: and in those few instances provision may be made either by leaving of vacancies, or by interposition of screens in manner already mentioned. All this while what must not be forgotten is, that a female prisoner cannot be exposed in a manner ever so imperfect to the eye of a male Inspector, without being exposed in a much greater degree to the observation of one of her own sex: a circumstance which affords sufficient security against any voluntary trespasses

against decency that might be committed by a female prisoner, through impudence, or in the design of making an improper impression upon the sensibility of an Inspector of the other sex.

The same consideration will serve to obviate an objection which the slowness of the partitions that separate the male from the female side of the Inspection-tower might suggest. The great object in regard to the separation of the sexes is that between prisoners and prisoners: and that object is completely provided for. As to what concerns prisoners on the one hand and Inspectors on the other, it is only at certain times that the female prisoners need, or even ought, to be out of all view of male Inspectors: at other times the utmost that can be requisite is, that they should not be exposed to the view of the Inspectors of the opposite sex, without being at the same time exposed in at least equal degree to those of their own. Neither of these objects is more than what an ordinary attention to discipline is sufficient to insure.

A due attention to the same considerations of time and circumstance will be sufficient to ensure the same regard to decency in that part of the discipline which concerns the inspection of the external

nal yards. While the female convicts are taking their air and exercise at one of the walking-wheels, an Inspector of the opposite sex, especially at the distance at which he is placed in the Look-out, is as unexceptionable as one of their own. When bathing is to be performed by females, it is in a yard into which no prisoner of the other sex need ever set foot, and exposed to no other inspection than that of a female Inspector occupying her quarter in the Look-out. Or, if necessary, the times of bathing might be different for the different sexes, and each Inspector might in his turn give place to the other, quitting the Look-out altogether.

The good Howard expresses himself much distressed to know what to do about making a choice between the sexes for the management of a Penitentiary-House for females.* Female rulers might want firmness: in male ones, probity and impartiality might be warped by the attraction of female eyes. The Panopticon principle dispells this as well as so many other difficulties. Among the prisoners, a coalition between the sexes would be an

* On Lazarettos, p. 225.

abuse: among the Inspectors, it is a remedy against abuse. The weakness of the Matron would find a support in the masculine firmness of the Governor and his subordinates: a weakness of a different kind on the male side of the establishment would find its proper check and corrective in the vigilance of matronly severity. As to the Matron and her subordinates of her own sex, it is not surely too much to assume, that for these stations individuals will be chosen to whom age as well as character have given an authority not to be shaken by any such improper influence. The mixed inspection, let it be observed, I suppose to be simultaneous: if alternate only, the check would have little force: The male ruler would have *carte blanche* while out of the eye of his female colleague.

Must the iron law of divorce maintain throughout the whole of so long a term an unremitted sway? Can the gentle bands of wedlock be in no instance admitted to assuage the gripe of imprisonment and servitude? Might not the faculty of exchanging the first-allotted companion for another far otherwise qualified for alleviating the rigours of seclusion, be conceded with out violation of the terms,

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terms, or departure from the spirit, of the sentence? Might not the prospect of such indulgence be an incentive to good behaviour super-added to all that punishment can give? These are questions to which a humane Manager would surely be glad to find (and why need he despair of finding?) a fit answer on the lenient side.

§ 4. OF

Separation into Companies and Classes.

A MODE of separation according to a plan of division into classes, being exhibited in Plate III. something will be expected to be said in explanation of it.

As to this part, the draught had two objects: one was, to shew in what manner the Inspection-principle might be applied in undiminished perfection to an uncovered Area, and that without prejudice to any number of divisions which, in what view soever, it might be found convenient to make in it: the other was, to shew in what manner the mischiefs so much lamented by Howard and other prison reformers, as resulting from promiscuous association, might be diminished by a division of the prisoners into classes, accompanied by a local and physical separation correspondent to that ideal one.

Dissatisfied with the division into classes, though carried to a degree of improvement hitherto without

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out example, I turned my thoughts to the preservation of the degree of seclusion observed in the distribution of the prisoners among the Cells, viz. a division into small and regulated companies: and it was in the course of this enquiry that I hit upon the plan of airing, of which the *Marching Parade* is the scene.*

The mischiefs in question, being by means of this plan of airing, obviated, if I am not mistaken, as far as the nature of things will admit, all other plans which fall short of obviating those mischiefs in equal degree, and accordingly the above-mentioned plan of division into classes, are consequently superseded: in this one therefore of the two points of view above-mentioned, the divisions exemplified in the draught are of no use.

A few additional observations, for the purpose of placing in the clearest light the relative eligibility of the several possible modes of disposing of prisoners in respect of society among themselves, may not be altogether ill-bestowed.

The principal and most simple modifications of which the management in relation to this head is susceptible, stand expressed as follows :

* See Part I, p. 166, 167.

1. *Promis-*

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1. Promiscuous association.
2. Absolute solitude.
3. Division into limited companies.
4. Separation corresponding to a division into classes.
5. Alternation of solitude with promiscuous association.
6. Alternation of solitude with division into limited companies.
7. Alternation of solitude with separation according to classes.

Of these courses, the first stands reprobated on all hands. The second I have rejected for the reasons given at large in Part I. § 6. The third is that which I have preferred to the second, for the reasons given in the same section. The 4th is that which occurred to me at first as preferable to the first and second, but stands superseded by the third. The 5th is that established by the Penitentiary Act and the plans which follow it, partly as it should seem for want of viewing the evil in its full magnitude, partly for want of knowing how to obviate it. The utmost improvement to which that system would naturally conduct is the exchange of this 5th mode for the 7th. The 6th is mentioned here only

to

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to compleat the catalogue, its inutility being indicated by the same considerations which shew the sufficiency of the third.

Companies and classes—where is the distinction?— Here. In companies the numbers are determinate: in classes, indeterminate. In the plan represented by the draught, the classes, though more in number than have ever yet been discriminated, would still in an establishment of any magnitude be few: but though they were as numerous as the Cells by the number of which that of the proposed companies is determined, the division according to classes would never coincide with or answer the purpose of the division into companies. Why?—Because the number of individuals in each class being essentially indeterminate, some classes might be empty while others overflowed: and in those that overflowed the number would consequently exceed the measure pitched upon as the greatest that could be admitted without departing from the ends in view.

Of the separation according to classes, as contradistinguished from the separation into companies secured as by the airing plan, the chief inconveniences are the two following: it leaves the convicts still, as we have seen, in *crowds*: and if pushed to
any

76 § 4. *Separation into Companies and Classes.*

any length and carried into effect by separation-walls, it is proportionably attended with a great addition to the expence.*

That it leaves the prisoners in crowds is evident : for separation according to classes implies association as between individuals of the same class : of whom though the separation resulting from the classification were to be carried ever so far, the numbers would still, as we have seen, be indeterminate.

Crowds among men whose characters have undergone any sort of stain are unfavourable to good morals. This property belongs to them independently of any mischievous communications that may result from the qualities of individuals. They exclude reflection and they fortify men against shame. Reflection they exclude by the possession they take of the attention, by the strength as well as variety of the impressions they excite, by the agitation which is the accompaniment of the incessant change. Their effect in hardening men against shame is

* What startled me and showed me the necessity of probing the subject to the bottom was, the being told by an architect, that the walls alone as expressed in Plate III. might come to two or three thousand pounds. It was high time then to enquire what the advantages were that must be so dearly paid for.

not:

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not less conspicuous. Shame is the fear of the disapprobation of those with whom we live. But how should disapprobation of criminality display itself among a throng of criminals? Who is forward to condemn himself? Who is there that would not seek to make friends rather than enemies of those with whom he is obliged to live? The only public men care about is that in which they live. Men thus sequestered form a public of their own. Their language and their manners assimilate. A *lex loci* is formed by tacit consent which has the most abandoned for its authors: for in such a society the most abandoned are the most assuming, and in every society the most assuming set the lead. The public thus composed sits in judgment over the public without doors and repeals its laws. The more numerous this local public, the louder its clamour, and the greater the facility it finds of drowning whatever memory may be left of the voice of that public which is absent and out of view.

In the publications of Howard and other prison-reformers, two sorts of associations I observed affording so many standing topics of regret: mixture of debtors with criminals: and mixture of the as yet unhardened with the most hardened and corrupted
among

among criminals. Other associations might also here and there be noticed in the same view : such as that between minor delinquents and such classes of criminals whose offences were of the deepest die : that between convicted and unconvicted criminals : and that between criminals under sentence of death and others whose lot was less deplorable. But it was in the two instances first mentioned that the impropriety seemed to present itself in the most glaring colours.

In a Penitentiary-House one only of all these mixtures can come in question : viz. that between the hardened with the unhardened, the raw with the old offender.

Under the Penitentiary-Act and the plans of management that have been grounded on it the condition of the prisoners alternates between the two opposite extremes : a state of absolute solitude during one part of the twenty-four hours : a state of promiscuous association in *crowds* during the remainder. This plan, it has been shown, unites the ill effects of solitude and association, without producing the good effects obtainable from the former. To vacant minds like these a state of solitude is a state of melancholy and discomfort : which dis-

I comfort

comfort by the perpetual recurrence of promiscuous association is in the way of reformation useless. Is is the history of Penelope's web reversed: the work of the night is unravelled by the day.*

* Sensible of the inconvenience, the contrivers of the system have done what occurred to them in the view of obviating it. No two or more prisoners are to work together without a room on purpose, and one or more Inspectors to attend them. This at working-times: while at the times of "meals" and airings and "divine service" the plan of seclusion is given up as unattainable.* What can be said of this?—Immense means provided, and the end sacrificed, all in the same breath. Enormous expence, and the whole of it thrown away. There must be as many lodging-rooms as prisoners: there may be as many working-rooms: and there must be as many Inspectors as working-rooms. So far the Act is explicit. Now for inference.—Every thing to countenance the multiplication of working-rooms in this view: nothing at all to limit it: while in the same section such care is taken to set limits to the magnitude of the lodging-rooms. It is said, that where their employments will admit they are at working times to be kept separate: is it *not* said, that they shall or may work in such case in their lodging-rooms: lodging-rooms are mentioned *all* along as distinct from working rooms: and where the employment may require two persons to work together, the "room is to be of suitable dimensions."—What is the inference? that it must be distinct from the lodging-rooms, and ought to be of double their size. The declared wish is that "during the hours of labour they may be kept separate and apart," as much as "the nature of

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The distinctions observed in the formation of the classes will not be altogether lost: they will serve as guides in the formation of the companies. For this purpose two rules present themselves.

1. *Put not in the same company corrupt and uncorrupted.* 2. *The more corrupt the individuals, the less numerous make the company.* The choice as to numbers will be in general between *four, three, and two*: these considerations may serve to determine it.

the employments will permit," and yet wherever the nature of the employment requires two persons to work together, those two persons are to have a room of suitable dimensions, (as well as at least one Inspector) to themselves. What is the final inference? —that to the 900 lodging-rooms there ought to be 450 working-rooms, of which no one ought to be less than twice as large as a lodging-room, and of which (to provide for employments that may require an unlimited number to work in the same room) any number may be ever so much larger. Had the authors meant a job, (than which it is certain nothing was ever farther from mens thoughts) what could a favoured architect have wished for more?

On such a plan one of two things must at any rate take place: association in crowds, (whence a total departure from the professed design) or buildings upon buildings to prevent it. The probability is that both should exist together: the evil of the mischief; and the evil of the expensive and inefficacious remedy. The first is indeed a necessary consequence of the other parts of the plan: and the other, to a greater or less degree is more than probable.

As to the principles which determined the characters of the several classes, I took them from the source that all principles are naturally taken from, common opinion and the authority of others. This in the first instance: but for a definitive choice I have done by them as I do by all principles, as far as time and faculties permit, I have subjected them to the test of utility. The bulk of them have stood this test: others have given way. The distinction between old offenders and raw offenders amongst males, and that between the dissolute and the decent among females are in the former case: that between the daring and the quiet among males is in the latter.

As to the two distinctions adopted, I shall leave them on the same basis of common opinion on which I found them.

The other being rejected, something in the way of reason may be expected to account for the rejection. This reason will not be long to seek. *Quiet* or *daring* is a distinction that respects safe-custody and obedience. But in a prison thus guarded, and under a government thus armed, the importance of this distinction vanishes altogether. From four—no nor from four hundred, were they all loose to-

PART II.

G

gether,

gether, and all Hercules's, could such an establishment have any thing to fear: entrenched behind the surrounding wall, armed and invincible against the defenceless and exposed, a single female might bid defiance to the whole throng. The least number of rulers that could possibly be made to suffice for inspection and instruction, would be amply sufficient for mastery. As to obedience, it follows in the most perfect degree from the inability to hurt, the exposure to chastisement, and the absolute dependence in respect of the means of sustenance. In a situation like this, the distinction between the quiet and the daring is therefore obliterated; the most transcendent audacity being cut down to the scantling of quietness.

What misled me was, the apprehension manifested in the common plans with regard to nocturnal escapes, and the anxiety not to suffer even two to be together during the night, notwithstanding the almost promiscuous association admitted of in the day. If then escape and rebellion, said I, are so much to be apprehended, the more daring the character of those who are left together, the greater the cause for apprehension: and if the quiet are left with the daring, the daring may corrupt them,
and

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and make them like themselves. True:—but a number of men in whom the obnoxious quality is already in full vigour will be still more formidable than an equal number in a part of whom only it hath as yet taken place. Whatever then be the reason for separating the quiet from the daring, the reason is still stronger for separating the daring from each other. But in a place like this, audacity, be there more or less of it, must in any case be equally without effect. The distinction therefore is in in every point of view of no use.

How different the case in the common plans of Penitentiary management ! Each Cell is in its interior out of view of every thing. Even supposing every prisoner separate, what turnkey or task-master could be sure of being an overmatch for each of them, and not only an overmatch at the long run, but secure against assault in the first instance ? Suppose the prisoners in pairs, what two or even what three of their rulers could look upon themselves as out of the reach of danger ? Any man who has no regard for his own life is master of another's. In this state of desperation, which unhappily is not without example, a few prisoners might be enough to clear a common prison of its rulers.

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Housebreakers seemed to be the sort of criminals from whom on every score the worst was to be apprehended. They would naturally be among the most daring: they would be amongst the most skilful and experienced in mischief of all kinds and in contrivances for escape.—True: and the more formidable when single, the more dangerous, were there any danger in the case, if left in the company of each other. But what becomes of danger, from the most audacious and most skilful even of housebreakers, where there is nothing to favour escape, and every thing to render it impossible?

Having brought the plan of seclusion thus far on in its way to perfection, let us see how far and in what respects it still falls short of the mark. Not far, I hope: nor will the distance afford an objection, if it be seen that a nearer approach would be impossible.

One cause of imperfection is, that among any two of the most experienced in mischief, neither perhaps but might still find some new lesson of mischief to learn of the others. The tracts in which their experiences have respectively run, may happen to have been more or less different. Therefore tho' but two of this description were left together, and
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the plan of mitigated seclusion by division into companies carried to its utmost ; still it is not carried so far as could be wished.

Another is, the difficulty that may attend the ascertaining the character of the individual, and consequently the determination of the class to which he ought to be referred.

To the first objection, the answer is short. If this degree of seclusion be not sufficient, there is nothing beyond but absolute solitude. But the ineligibility of that plan has I hope been sufficiently made out.* Evil of absolute solitude is certain : it is immediate : it is intolerable : it is universal. Evil resulting from an association thus strictly limited is but contingent : it is remote : it is far from universal : at the worst it is not great. What does it amount to ? that one of them may suggest to the other some trick he was not as yet master of. What if now and then such a thing should happen ? Whatever communications are made in this way will be soon made : and the time in which it would be possible to turn them to account in the way of practice will not come for years. But of this enough has been said already.†

* See Part I. § 6. † Ibid

So much as to the suggestion of the *means* of mischief. Is the suggestion of *incentives* any more to be apprehended?—a material question: for if the propensity be out of the way, expedients and contrivances will die away of themselves.—What should the corrupter insinuate?—That there is no danger in guilt?—But the assertion is anticipated and disproved by the very fact of their being *there*.—That there is pleasure in guilt?—But the pleasure is dead and gone: the punishment, that has sprung out of its ashes is present in every tense: in memory, in sufferance, and in prospect.—That shame does not flow from guilt?—They are steeped in it up to the lips. They have a scornful world to gaze at them, and each but one, two, or at most three companions to keep him in countenance.

What other corruptive theme should come upon the carpet?—Debauchery?—It is not practicable: no not in any shape: checks unsurmountable: instruments and incentives none.

Profaneness?—nor that neither. Profaneness has clamour for its natural associate: separated from this concomitant it loses its zest. Clamour they are absolutely debarred from: instant punishment

ment would follow it. But who ever whispers an execration or a profane oath? What is an execration, what is a profane oath? Morally speaking a mere vulgar expression of anger, or an abjuration of restraint.* But is this a place where anger can be gratified or find vent? Is this a place where restraint can be thrown off?—To check swearing is to check anger and audacity, and to check anger and audacity is to check swearing. To apparent submissiveness they will be forced: and after a time, from apparent submission real will ensue. Men become at length what they are forced to seem to be. Propensities suppressed are weakened: and by long continued suppression killed.

A more consolatory, a more inviting, and as it should seem, a much more natural topic of conversation, is the melioration of their lot present and future: how they shall earn most by their

* A kind of interjection. As there are interjections of grief and of surprize, so there are interjections of anger and audacity; and these interjections are what are called *catbs*, and so forth. This observation, while it places the moral mischievousness of an expression of this cast in a somewhat new and perhaps not un-instructive point of view, shews what ground there is for making them the objects of prohibition and temporal punishment, more especially in such a place.

work,

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work, and what they shall do with what they earn, now that they can do nothing but work, and that dissipation in every shape is impossible, and all means of it out of reach : how to make the best of their present situation while it lasts : how to employ the distant though longed for period of their release, in such projects of productive industry and innocent enjoyment, as their recovered liberty will allow of, and as it would be among the objects of a good plan of management to hold up to them and to facilitate. To be engrossed by the present moment is among the characteristics of that lowest class of individuals, among whom the species of guilt which lead to this mode of punishment are most apt to be found : it is in a more especial manner the character of such of them as have actually fallen into those snares. The force as well as evil effects of this propensity stand demonstrated by the very act by which they fell : being in one instance so powerful, is it rational then to conclude that in another it will be of no effect ? Where a cause is one and the same, some degree of uniformity cannot but be looked for in its force : where its effects happen to be on the evil side they ought to be looked out for, and provided against : but neither are the
good

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good, merely because they happen to be good, to be thrown out of the account and regarded as impossible.—No:—as it was the interest of the moment that ruled him in the one case, so will it in the other. When that irresistible prompter beckoned him into the track of guilt, he fell into delinquency: now that with a much steadier finger it points to the paths of innocence he will confine himself to those paths.

Reformation, therefore, mutual reformation seems in such a state of things happily much more probable than encreased corruption, even among those who are already the most corrupt and hardened.

This nearer and less gloomy view of the probable future, I would wish to recommend to the attention of those desponding moralists, who led away by general and hasty conceptions, look upon the reformation of a thorough-bred London felon as an object altogether hopeless. Had delinquents of this description been frequently seen under such a course of discipline, and the result had been thus unfavourable, the despondency would have ground to stand upon. But in what instance has an engine
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of any thing like such power ever yet shown itself to human eyes?

Should seclusion pushed to the very verge of absolute solitude not yet promise enough, will *colonization* promise more? Turn to New South Wales: 2000 convicts of both sexes and 160 soldiers (not to speak of officers, jumbled together in one mass, and mingling like beasts: in two years, from 14 marriages, eighty-seven births: the morals of Otaheite introduced into New Holland by the medium of old England.*

* See Governor Philip's Account of the Settlement, 4to, 1791, R.p. viii, 67. Mr. White's ditto, 4to, 1790, and Extracts of Letters and Accounts printed and laid before the House of Commons, in pursuance of an order of April 8th, 1791, p. 3.

§ 5. *EMPLOY-*

§ 5. *EMPLOYMENT.*

OF what nature shall be the employments carried on in this house? of what *quality*, in consequence, the labour exacted of the prisoners?

2. In what *quantity* shall that labour be?

3. How much within the day? how many and what *working hours*?

4. Any more at one *season* than another? and if so at what season?

5. Any difference according to *length of standing*? i. e. according to the share which has elapsed of each man's respective term?

To each of these questions I will endeavour to find some answer. Not surely in every instance with the view of fettering my contractor: nor in any instance, is it for his sake that I should think of encroaching upon his free-will: but it will do him no harm at least to hear what I have to say to him in the way of suggestion or advice. Beyond advice I should never think of going with him
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in that view, though I were armed with all the powers of law: since the more incontestible the goodness of the advice, in the shape of advice, the more palpable the inutility of it in the shape of obligation.

Of these five rules, third, fourth, and fifth are inserted here principally in deference to the Penitentiary Act: the fifth in particular, is one which would never, I confess, have gained entrance into my imagination, but through the medium of that statute.

1. Of what quality? To that question I must give three answers.

1. The most lucrative (saving the regard due to health) that can be found.

2. Not one only, but two at least in alternation: and that in the course of the same day.

3. Among employments equally lucrative, sedentary are preferable to laborious.

1. What then are the most lucrative, will it be asked?—Who can say?—least of any body the legislator. Sometimes one sort, sometimes another. No one sort can possibly, unless by dint of secrecy or legal monopoly, stand in that predicament for ever. But there are those which are essentially

entially disqualified from ever standing in it. They are those, as we shall see, which stand foremost on the list recommended by the Penitentiary Act.

2. Thus far however may be answered in the first instance:—No *one* sort at any time: two at least should succeed one another in the course of the same day.—Why? because no one sort will answer all the conditions requisite. Health must never be neglected: the great division is into *sedentary* and *laborious*. Consult health, a sedentary employment must be sweetened every now and then by air and exercise: a laborious employment, by relaxation. But exercise is not the less serviceable to health for ministering to profit: nor does relaxation mean inaction: when inaction is necessary, sleep is the resource: a sedentary employment is itself relaxation with regard to a laborious one. And though the body should even be in a state of perfect rest, that need not be the case with the mind. When a man has worked as long as without danger to health he can do at a sedentary employment, he may therefore add to his working time, by betaking himself to a laborious one: when a man has worked as long as without pain
and

and hardship he can do at a laborious employment, he may work longer by changing it for a sedentary one. No one employment can therefore be so profitable by itself as it might be rendered by the addition of another. *Mixture of employments* then would be one great improvement in the economy of a prison.

In the mixture thus made, which of the ingredients, supposing them on a par with respect to profit, ought on other accounts to predominate?—The sedentary, and that upon two grounds: *economy*, and *peace*. The harder the labour, the more in quantity and the more nourishing in quality the food requisite to enable a man to go through with it. At the same time the higher fed a man in such a situation is, the more robust and formidable he will be in case of his becoming refractory, and the more likely to become so. Among men in general, but more particularly among men of a description so untamed, a daring temper is the natural concomitant of a robust frame. A blacksmith or sawyer will naturally require more food, and that of a more substantial kind, than a weaver, a stay-maker, or a taylor. This latter consideration, it is true, refers only to the

the common plans: in a Panopticon, be the prisoners well or ill fed, strong or weak, the peace of the house is equally secure.*

* I forget what little tyrant it was of Greece, whose policy, we are told it was, in the view of keeping his subjects quiet, to encourage them to betake themselves to unathletic occupations: in the language of the good old cut throat morality, effeminate ones. I have taken a leaf I confess out of that tyrant's book; the application I make of it will not, I hope, be charged with tyranny.

In my humble way of thinking, the facility of stifling dispositions unfavourable to security, is preferable to the glory of subduing them, or the necessity of punishing them.

Among laborious employments the greater part arm the body: all arm the mind. Why give any unnecessary increase to the force which it is your great study to keep in subjection? The more active, the stronger: and the stronger, the more ungovernable. Vigour and courage in a felon constitute the danger and the weakness, as in the good citizen they do the strength and security, of the state.

All this, be it once more observed, regards the common plans merely. In a Panopticon I should not care how robust my prisoners were: nor even how they were armed, so it were not with fire-arms. In a common Penitentiary-house, in the sort of prison built by the Penitentiary Act, the difference is no trifle. There they are to be in crowds: a single turnkey or task-master to watch over them: he inclosed in the same room with them, and without any thing to keep them at a distance: they furnished with tools and materials for hard work, convertible into weapons of offence: the room closed and screened from view like other rooms; assistance out of view and out of reach.

Mixtuse

Mixture ministers to economy in other ways: it helps quantity: it improves quality. By variety it renders each less irksome: but the less irksome a man's work is to him, the more as well as the better he will work.

Could a man be made even to find amusement in his work, why should not he? and what should hinder him?—Are not most female amusements works? Are not all manly exercises hard labour?*

2. How much in *quantity*?—Of course as much as can be extracted from each without prejudice to health. The question is already put: the answer already given: it is given by the rule of economy: it is given by the rule of severity: nor is there any thing in the rule of lenity to contradict it. What then should be the *working-hours*? As many of

* It is an observation made somewhere, I think, by Locke, in his book on Education, that for children amusement is to be obtained not less effectually from cheap and profitable occupations than from unprofitable and expensive ones. A recommendation he accordingly gives is, to make a point on all occasions of giving to employments of the former description the preference over those of the latter. If the propriety of the preference is indisputable with regard to youthful innocence, how much more palpably so in the case of malefactors, whose occupations are to be allotted to them in the way of punishment for their crimes?

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the four and twenty as the demand for meals and sleep leave unengaged.

Would the number be too great to be spent in an employment of the laborious class? Give the surplus to a sedentary one. Suppose then two employments of the different classes equally productive: and that the laborious one is too fatiguing to be continued during half the number of the working hours: what is to be done?—Take away from this employment hour after hour and transfer them to the unlaborious one: do this, till there remains no more of the former than a man can fill up in that manner, without being debarred by the fatigue from bestowing the whole remainder of the disposable time on the sedentary employment.

To what imaginable good purpose, even in the way of amusement, could so much as a moment of absolute inaction serve? To conversation? But what should hinder their talking from morning till night if they are disposed for it?—Not meals certainly:—No, nor work neither: few laborious employments exclude conversation, and scarce any sedentary ones.

3. More hours at one *season* than another?—Another question already answered: and answered

PART II.

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in the negative. In all seasons as much as may be : therefore at no season more or less than at another. Less of the laborious perhaps at one time than another : viz. less now and then, when the heat of the weather is such as to render the laborious employment too fatiguing : but then so much the more of the sedentary. Now and then the heat may be so great for a part of the twenty-four hours, that almost any sort of bodily exertion would be hardship. Be it so:—but if this can happen at any time, it is only by accident: it is not the effect of the season, but the event of the day. And though the body rest, it is no reason why the mind should lie in waste. Though it be too hot for instance to weave, it will hardly be too hot to write, to read, or hear a lesson.

4. Fewer hours, or less work done in the time, at one degree of *standing* in the prison than at another?—Why should there? or, consistently with the rules already laid down can there be? At every period as much work as can be obtained, as great a part of the twenty-fours employed in work, as consistently with the above limitation, can be: therefore in every part the same.

Thus says plain humble economy.—What says the Penitentiary Act?—We shall see.—The first

thing it does is to set out with a wrong object : labour for labour's sake.—Had economy been the mark, the demands of lenity, as well as of due severity, might have been all along satisfied with little trouble and without any expence. Abandoning the first, it attains neither of the other two : aiming, sometimes at the second, sometimes at the third, it attains neither. Vast expence in straining the discipline, and it is inordinately relaxed : vast expence in relaxing it, and it is intolerably severe.

At the first step, economy is kicked out of doors. Two classes of prisoners : two classes of employments : one requiring the most violent exertions, the other, none. Whether a prisoner shall be put to the one or to the other is to depend—upon what?—the money to be current?—No : but upon “ age, sex, health, and ability ”—age, sex, health, and ability, and nothing else. What is the professed object?—Profit?—No.—*Hardness, servility, drudgery*—and there it ends.—“ Every ” prisoner is to be “ kept ”—yes—*every* prisoner.....so far as is consistent with.....“ sex, age, health “ and ability, to labour of the hardest and most “ servile kind, in which drudgery is chiefly required ”.....such as “ treading in a wheel, H 2 “ drawing

“drawing in a capstern,” and so forth :.....“ and those of less health and ability, regard being also had to age and sex, in picking oakum, weaving, spinning, knitting, or any other less laborious employment.”—[§ 33.] How many then are to be employed in the sedentary sort of employments?—As many as can be employed to greater advantage than in the other?—No : but those and those only to whom for want of health and ability, the “hard,” and “servile,” and “drudging” work cannot be given. No picking, no weaving, no spinning, no knitting, though orders came without number for that sort of work, and not one for the labour of the capstern or the wheel. It is to be a mere Catherine wheel, or an Ixion’s wheel : a mere engine of punishment and nothing else. Two modes of employment present themselves : the first as hard work again as the second, the second as profitable again as the first : the individual equally free for either—What can be done ? either the unprofitable one must be given him, and the profitable one rejected, or the principle of the Act departed from, and its injunctions flatly disobeyed.

We are told somewhere towards the close of Sully’s Memoirs, that for some time after the de-
cease

cease of that great and honest minister, certain high mounts were to be seen at no great distance from his house. These mounts were so many monuments of his charity: for those of his economy stood upon very different and more public ground. The poor in his neighbourhood happened to have industry to spare, and the best employment he could find for it was, to remove dirt from the place where it lay, to another where it was of no use.

By the mere force of innatengenius, and without having ever put himself to school to learn economy of a French minister, a plain English jailor, whom Howard met with, was seen practising this revived species of pyramid architecture in miniature. He had got a parcel of stones together, shot them down at one end of his yard, and set the prisoners to lug them to the other: the task atchieved, *now* says he, *you may fetch them back again.* Being asked what was the object of this industry, his answer was—“*to plague the prisoners.*” This history is a parable: this governor, the type of our legislator. Ask him, *what is work good for?* answer—to *plague prisoners?**

* Howard on Lazarettos, p. 147.—I beg the Jailor's pardon: what is above was from memory: his contrivance was the setting

We have seen the *constant* benefit of *alternation*.—What says the Act?—Laborious with laborious, sedentary with sedentary, if you please.—Sedentary with laborious?—Yes? if you can make a prisoner go backwards and forwards from constitution to constitution, from sex to sex, and from age to age.—We have seen the *occasional* benefit of *change*. What latitude does the Act allow on this head?—The same. Should a greedy Governor attempt in either way to smuggle economy into the house, the rigid hand of a Committee-man, or an Inspector, or a visiting Justice, might pull him by the sleeve and say to him, *Sir, this must not be:—it is contrary to law. You may put those of the one class to tread in a wheel, draw in a capstern, saw stone, polish marble, beat hemp, rasp logwood, chop rags, or make cordage, as you please: you may let the others to pick oakum, weave sacks, spin yarn, or knit nets.—But know, Sir, that by him who is for the capstern or the wheel, no nets are to be knit, yarn to be spun, sacks to be woven, or oakum to be picked. When the capstern beaver has hoven till he can heave no*

them to saw wood with a blunt saw, made blunt on purpose. The removers of mounts were a Committee of Justices.

more

more, he is to sit, lie, or stand still and lounge: when he who has been picking oakum is in want of air and exercise, he may go and take a walk, provided his walking hour be come, and that no other use be made of it. And mind, Sir, that a man of the wheel walking cast be not turned over to oakum picking; although all the wheels should be engaged, or although there should be a demand more than can be supplied for the oakum and none for the labour of the wheel. —For know, Sir, that we are in Hindostan: Bramah has spoken: the casts must not be confounded.——

Imagindion! imagination!—as if there were a magistrate in the kingdom that could hold such language.—O yes, many: patience and we shall see. Mean time, does not the Act say all this?—What does it say then?—What is the object of the clause, or what the use of it?

What is at the bottom of this predilection for hard labour?—Sound—The labour is *made* hard that it may be *called* hard: and it is called *hard*, that it may be frightful, for fear men should fall in love with it. *Hard labour* was the original object. The error is no new one: Sentences of commitment to hard labour are as frequent in

our penal code as the execution of them has been rare. It is no peculiar one: it is to be found upon the continent as well as here. Dutch *Rasph-houfe*—Flemish *Maison de Force*—every thing impressed the mind with the idea of hard labour. *Houfe of hard labour* was accordingly the original name. *House of hard labour*, it was suggested by somebody, is a name by which no house will ever be called, and the well-imagined word *Penitentiary-houfe* was put in its stead. But though the name was laid aside, the impression which had suggested that name remained in force.

The policy of thus giving a bad name to industry, the parent of wealth and population, and setting it up as a scare-crow to frighten criminals with, is what I must confess I cannot enter into the spirit of. I can see no use in making it either odious or infamous. I see little danger of a man's liking work of any kind too well: nor if by mischance it should fail of providing him in suffering enough, do I see the smallest difficulty of adding to the hardness of his lot, and that without any additions to the hardness of his labour. Do we want a bugbear? Poor indeed must be our invention, if we can find nothing that will serve
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but industry? Is coarse diet nothing? Is confinement, is loss of liberty in every shape nothing? To me it would seem but so much the better, if a man could be taught to love labour, instead of being taught to loath it. Occupation, instead of the prisoner's scourge, should be called and should be made as much as possible, a cordial to him. It is in itself sweet in comparison of forced idleness; and the produce of it will give it a double favour. The mere exertion, the mere naked energy is amusement, where looser ones are not to be found. Take it in either point of view, industry is a blessing—why paint it as a curse?*

Hard labour?—labour harder than ordinary, in a prison?—not only it has no business there, but a prison is the only place in which it is not to be had. Is it exertion that you want? violent exertion?

* The Chevalier Paulet's views on this head suit better, I must confess, with mine. In his establishment, a capital article in the penal list is the punishment of forced idleness: and without dividing his boys for the purpose into two classes and three classes, or plaguing his managers with governing Committees, he contrives to render it sufficiently uncomfortable. See an interesting account of the establishment of that generous and intelligent philanthropist in the *Repository*, vol. 1.

reward

reward not punishment is the office you must apply to. Compulsion and slavery must in a race like this be ever an unequal match for encouragement and liberty: and the rougher the ground the more unequal. By what contrivance could any man be made to do in a jail the work that any common coal-heaver will do when at large? By what compulsion could a porter be made to carry the burthen which he would carry with pleasure for half a crown? He would pretend to sink under it: and how could you detect him? Perhaps he *would* sink under it: so much does the body depend upon the mind. By what threats could you make a man walk four hundred miles, as Powell did, in six days? Give up then the passion for Penitentiary hard labour, and among employments not unhealthy put up with whatever is most productive.

It is to this grim phantom of hard labour that economy however is sacrificed in a thousand shapes. Trades fixed, though they should be losing ones: working-hours, half, as we shall see, struck off at one stroke: then a considerable share of the remaining pittance: then again a double share: **labourious**

borious employments prescribed to the exclusion of sedentary ones : employments which demand much food to the exclusion of those which require but little : and after all these sacrifices, and all this regulation, more regulation added, by which it is made impossible, as we shall see, to have hard labour as hard here as elsewhere.

As to the general complexion of the employment the Act as we have seen is peremptory : as to the particular species, it contents itself with recommendation. But even recommendation had much better have been let alone. Bad or good, a recommendation in such a matter has no business in a law. Bad, it is pernicious : good, it is unnecessary. Is an Act of Parliament a place to say to a man, *Sir, here is a trade which will answer your purpose ?*

Good when given, it will be bad soon after. Two things, and two things only, a secret and a monopoly, can give to any sort of trade a permanent superiority of advantage. Bad, it is positively pernicious : it is not simply useless. Recommendation falling from such a height acquires force, and has the effect of a command. We shall see it has. Unfortunately, the recommendations given here are not only bad in the details, but bad in principle.

Bad

Bad in principle, by assuming that human force when separated from human reason is capable of being made use of to advantage. Bad in detail, by exhibiting among the modes of giving application to human force, some that are peculiarly disadvantageous.

In the first place, bad in principle. There are two modes of applying human labour : one is where the task of *generating* the force and that of giving *direction* to it are the work of the same man : as in common sawing performed by hand : or turning in a foot lathe. The other is, where the task of *production* is performed by one man and that of *direction* by another : as in a turning lathe turned by a detached wheel. In the latter way human labour, when employed for the mere purpose of labour, can never be employed to advantage upon a large scale. Why? because not to mention wind, water, and steam, there are always animals to be found, any one of which may be made to generate more force than many men, without costing so much to keep as one. If then all the brute force you want is no more than what a single man is enough to generate, human labour may so far be employed in that

that way to advantage: for you cannot have a beast to work without employing a human creature, a boy at least, to keep it to its work.* But if

* The instance of a *turnspit dog* is an exception: but the force that can be generated in that way, is but small, and that for no long continuance.

Could an *elephant* be made to tread in a wheel in the same manner? If he could, here would be a source of mechanical power not to be despised in Hindostan. Whether it could ever be worth while in an economical view to keep an animal of this sort merely for that purpose is another consideration. But wherever elephants are kept already, either for military purposes or for show, their labour, could it be employed in this way at all, might be employed to very considerable advantage. If, at twice or thrice, an elephant could be made to walk in this way to the amount of six hours in a day, three elephants relieving one another would keep up a fund of motion that would last 18 hours out of the 24, which is more than the usual number of working hours in a day: four elephants would keep up a perpetual motion. Speaking from the moment (for reflection and research on such an occasion will hardly be expected) there are few wind-mills or water-mills, I should suppose, that occupy so great a force. In a wheel of a size sufficient to admit an animal of this bulk the acclivity would be very gradual: and the height would be such as would admit of a rider, if necessary, without difficulty. The form as well as manners of the animal seem to render it at least as fit for this sort of service as a turnspit dog: much more so than any of the common beasts of draught: though even these, could they be
made

the quantity of force you want is any thing above what one man can generate and keep up for a sufficient length of time, to employ human force in that brute way, can never answer: an old blind horse, an ox, perhaps even an ass, will turn a wheel, a little boy will serve for driving, and the keep of beast and boy together will perhaps not exceed the keep of one man, certainly not equal that of two.*

made to work at all in this way, might perhaps in this way be worked to more advantage, than by drawing.

Where they are kept for military purposes, the profit that might thus be made of their labour in time of peace might thus pay for the heavy expence of their maintenance in time of actual service. Even where they are kept merely for state, reasons for employing them in this manner would not be wanting. It would be a means of preserving their health, which otherwise may be soon destroyed, and the life of the animal cut short for want of exercise. Several animals of this sort have been imported into this country in the course of the present reign. Two at a time I remember seeing at the Queen's house. The uncomfortable state in which they were kept, debarred from all exercise and confined to a small stable, where they had scarcely room to turn or even stand at their ease, soon proved fatal to these noble quadrupeds, whose lives nature had designed to emulate in duration those of the first patriarchs among men.

* Nor yet can it answer to employ a man for generating force, but upon the supposition that the whole quantity of the commodity

The elementary *primum-mobiles*, wind, water, steam, wherever they can be applied are applied, as being cheaper, in preference even to the animal: still cheaper of course they must be than that which consists of human labour.*

*But do not you yourself make this use of human labour? do not you employ in this way, not one, not two of your prisoners, but the whole number?—*Yes: that I do: but why? because I get it for nothing: which is still less than what the boy and the ass would

be capable of finding a market is no more than what the brute force generated by two men is able to produce. Suppose it equal to the force of three men, one man to give direction to the force, with a beast and a boy to drive it, could afford the commodity so much cheaper as to break the other two, with their respective directing partners.

* In the economy of mechanical operations one of the most fertile sources of improvement is the separating the art of giving direction to force, from the labour of generating it. Great is the advantage that may be made in this way even where this latter operation is left to man: much greater of course where it is turned over to more proper agents. A single man, or in many instances a single child, and that a very young one, may find direction for a very powerful machine, or a very numerous assemblage of less powerful ones: instance the spinning machines, and the various other engines employed in the manufactories of the different sorts of cloths.

cost

cost me. I can undersell the broom-maker, who stole the sticks: I steal my brooms ready made. The labour I employ in this way, I steal the whole of it from idleness. The same labour does the business of health and economy at the same time. My prisoners, if they did not walk in a wheel, must like other prisoners, walk out of a wheel: and in the latter case the same degree of exercise would require more time spent in walking than in the former.

Inexpediency in detail is another property of these imperious recommendations. For instances of laborious employments, eight sorts of operations are promiscuously brought together: "treading in
"a wheel, or drawing in a capstern for turning a
"mill or other engine, sawing stone, polishing
"marble, beating hemp, rasping logwood, chopping rags, and making cordage."

What are we to understand from this heterogeneous specification? In the two first instances the only thing mentioned is the mode of *generating* the force: in the other six, the *direction* to be given to it, the application to be made of it. Is it that the force generated as in the two first instances, is meant to be applied to produce the effects respectively specified

cified in the other fix?—Hardly. Sawing stone and polishing marble, I am assured, are operations that have never yet been performed any otherwise than *by hand*. Beating hemp and rasping logwood are performed thriftily by wind and water, unthriftilly here and there perhaps by hand: hemp beating especially so unthriftilly as to be banished from all free manufactories and confined to prisons, where its sole use is, like that of the blunt saw, to plague those who work with it. Chopping rags is performed at all paper-mills I ever saw or heard of, by the force of that element, an abundant supply of which is essential to the manufacture. Was a business like this ever performed by a mill or other engine moved by a walking-wheel or capstern? I must have good proof of it before I believe it. My conclusion is that in the recommendation of the wheel and the capstern “for turning “a mill or other engine,” the views of the legislator had not got the length of pitching upon any particular sort of work to be performed by the mill or other engine, that the operations mentioned immediately afterwards were not meant as instances of work to be performed by such means, but that the intention was that they should all of them be

PART II.

I

performed

performed by hand. If so, two different misrecommendations are envelopped in this one clause. One is, the employing of human labour for the generation of brute force in preference to the elementary and other irrational agents : the other is, the performing by hand a variety of operations, not only to the neglect of the most advantageous methods of employing machinery, but to the neglect of those very methods which itself has been pointing out.

As to the making of cordage, the ineligibility of such an employment for such a place has been pretty fully shown above.* Immenſe ſpace, that ſpace enclosed at an immenſe expence, which be it ever ſo immenſe will hardly be ſufficient, and all this to carry on a manufactory of implements of eſcape.

The ſtrangeſt recommendation is that which is intimated by the placing the labour of the wheel and that of the capſtern on the ſame line, as if indifferently applicable to the ſame purpoſes. The firſt is of all the known modes of generating pure force by human exertion the moſt advantageous, the other, unleſs in very particular circumſtances,

* Part I, § 20.

perhaps

perhaps the least so. In the place in question these circumstances are never to be found. Compared with a perpendicular wheel the sort of horizontal wheel called a capstern would in such a place be a miserable contrivance. The most painful and intolerable muscular contraction will not produce in the latter way, a quantity of force approaching to that which is produced by the successive application of the weight of the body in the mere act of walking in the other. The capstern-heaver would be dead before the wheel-walker felt the sensation of fatigue.* The advantage of that horizontal wheel is, that you can put more men by far to it than you can put to the perpendicular one: you can lengthen the levers, you can multiply them to a great degree. You could even put story

* According to Desaguliers, the force which a man can exert in towing is upon an average equal to no more than 27lb: that is, a force that would serve to raise a weight to that amount: for instance so much water out of a well. But "drawing in a capstern" is towing. According to the same philosopher, 140lb. may be reckoned the average weight of a man: with this whole force a man acts, when walking in a wheel. The principle of the walking-wheel is therefore more than 5 times as advantageous as that of the capstern.

of them over story. Hence it is of use where, having plenty of men, who if not employed in this way could not be employed at all, you want now and then a heavy lot of work done in a short time: Such is the case in seamanship. Accordingly in seamanship the capstern is made use of with great advantage: in heaving anchors out, in raising them and so forth: and I question whether there be another instance.* Since the world began I do believe it has never been employed to keep up a constant force.

Even laying profit out of the question, as the authors of the Penitentiary Act do, and setting up labour as its own end without looking for any thing beyond it, we shall find the lesson equally pregnant with delusion. Even in this point of view, nothing can be more opposite than the labour of the capstern and that of the wheel. Wheel-work is open to abuse on neither side: capstern-

* Am I right? I think I have traced the error to its source: On board the ballast lighters the capstern was employed to raise gravel: for the Captain was a seaman. Now as anchors are raised in that manner, why not gravel? On board the ballast-lighters gravel is raised upon the capstern principle: and that surely is hard labour. But hard labour is the very thing we want, and there it is for us.

work

work, on both sides.* Laziness on the part of the workman, negligence or partiality on the part of the Inspector, may reduce the exertion to nothing: tyranny may screw it up to a pitch fatal to life.

Nor is wheel-work less happily adapted to the purposes of economy in other points of view. Knowing by trial the quantity of force necessary for giving motion to your wheel, you can provide for the keeping up of that force with the utmost certainty: you can know before-hand what each man can and will do, as well as afterwards whether he has or has not done it. In this way, as no man can cheat you, nor is the quantity of work dependent at all upon good-will, slave's work is

* Wheel-work is mere foot exercise: capstern work is a mere exercise: in the former the effect is the immediate result of muscular exertion, and proportioned to that exertion be it ever so great or ever so little: in the latter it is the result of mere weight: the weight of the body successively applied to the different parts of the circumference of a wheel: and so long as the same pace is kept up, that weight, as well as the exertion by which it is applied, is invariably the same.

In the wheel-work, if there were twenty men in a wheel you would know exactly what each man's exertion was, and what the share it had in the production of the common effect: in the capstern-work, though there were but two men you could not ascertain either man's share.

worth as much as freeman's work, neither being capable of doing more nor better than the other in the same time.*

* Could not a man cheat, it may be said, by setting his foot down on the same spot from which he took it up, or even backward instead of forward? I should doubt it: and if it were feasible an effectual remedy might be found. Even in a single wheel (I mean a wheel with a single man in it) the *impetus* already acquired by a few turns would make it much easier to a man to go on than to step backward or in the same place: much more in a double wheel, especially if the deceit were practised by one alone without the concurrence of the other. In the only walking wheel I ever saw (which was made for a carriage to go without horses) there were steps in the inside for the convenience of treading. These would serve likewise to render deceit more difficult, as well as to maintain regularity in the pace. But deceit might at any rate be prevented, especially with the help of these treading-boards, by prescribing the number of steps to be taken within a certain time: a small index-wheel connected with the main-wheel, as in the instrument called a *way-wiser* for measuring ground, would serve to shew with the utmost exactness how far the injunction had been observed.

In some instances the quantity of the *effect* produced might be made to shew the number of turns that had been given to the wheels: for example, in raising water, the quantity of water that had been raised. But this depends upon the nature of the work, and the instances in which it would hold good are comparatively but few. The index-wheel (which of course must be situated in such a manner as to be out of the reach of having its indications falsified
by

The regulation about hours strikes me, I must confess, as a most extraordinary one. Working-hours, never more than ten out of the four and twenty: and for a quarter of the year not more than eight: eight for three months, nine for two months more, and ten for the other seven. For greater certainty, a *curfew* clause: all lights and fires out before nine. Of the quantity of labour that might be had, nine parts out of $17\frac{1}{2}$ in point of *time*, more than half as we shall see,* thrown away for the sake of getting the other eight of a hard sort: and all the while by this very limitation in point of time matters so arranged, that it shall be not only difficult on other accounts to have the

by the labourers in the wheel) is therefore the preferable resource.

To keep the force thus gained to an equality, in any operation in regard to which the difference in point of weight between man and man were liable to produce occasional deficiencies, those whose natural weight was under the mark might carry artificial weight in proportion: and if with this addition the exercise were too much for any one, a proportionable abatement might be made to him in the article of *time*. Weight might thus be carried, not as in the equestrian phrase *for inches*, but for lightness and for strength.

* See § *Distribution of Time.*

labour as hard here as elsewhere, but upon this account impossible.—This an Act for the promotion of hard labour?—Say rather for the prevention of it.

What a lesson to the country!—that little more than half the labour the honest poor, the industrious tradesman, are forced to go through in order to live, is a lot too hard for felons! What is the tendency, not to say the fruit, of all this hard labour so unhappily bestowed in the field of legislation?—To render hard labour impossible in the place it is specially destined for, and odious every where else.

In one circumstance of it the regulation is a perfect riddle to me:—most work when the weather is hottest. That the number of working-hours should be made variable according to the heat of the weather, how little necessary soever as we have seen, was however natural enough: but the principle by which the variation is determined seems a perfect paradox. When was the number to be the greatest? when the season was hottest:—in the height of summer. When the least?—when the season was coldest:—in the depth of winter: in the temperate months it was to take a middle course.—What can have been the object here?—In a clause in which the quantity of labour was directly and professedly limited and reduced,

one should have thought, it had been lenity and indulgence. But where is the indulgence of working a man hardest when he is hottest, and giving him least work when work would be a blessing to him to keep him from the cold?

Even the propriety of marking the temperature in this imperfect and indirect way, by the season, instead of the perfect and direct way, would itself be questionable. For observe the consequence.—Work is to be lessened (or as this clause will have it encreased) upon the supposition of its being sultry: when perhaps it is below temperate. Work is to be increased (or as this clause will have it diminished) upon the supposition of its being hard weather: when perhaps it is above temperate. Whether the thermometer is between 20 and 40, or between 50 and 60, or between 60 and 80 is a fact just as easy to ascertain as whether it be January, April or August. If the idea of regulating work by temperature is not ridiculous, it is not accuracy that will render it so. If heat and cold are to be measured, it is surely as well to do it by a right standard as by a wrong one.

But we have already seen that it is *quality* only and not *quantity* of work that ought to be influenced

ced by temperature: and that neither the one nor the other ought to be regulated by law.

Eight then and no more, is the greatest number of hours during which in the cold season any sort of work, sedentary or laborious, is in this establishment for hard labour to be carried on. So at least says § 34. True it is, that by § 45 a possibility is created of a prisoner's working at additional hours over and above those which have been mentioned. A possibility?—Yes: and that is quite enough to say of it. A special permission must be given by the Committee—it is to be given only “to the most diligent and meritorious”—only “in the way of reward or “encouragement”—they may choose whether they will give it in this shape, or in that of an allowance of a part of the earnings of the stated hours—it is to be only “during the intervals of “the stated labour” not therefore in any interval between a time of labour and any other time, such as that of rest or meals—all “working tools, implements and materials”.....that “will admit “of daily removal” are by § 34 to be “removed” when the “hours of work are passed, to places “proper for their safe-custody, there to be kept till “the hour of labour shall return”—and by § 40,
“the

“ the doors of all the lodging-rooms are to be
“ locked” (with the prisoners I suppose in them)
“ and all lights therein extinguished, after the hour
“ of nine.”

A possibility (did I say ?) of extra-work ?—Yes, and what is there more. The Governor, on whom it so unavoidably depends, has motives given him for thwarting it, and none for forwarding it. None for forwarding it, since the earnings at these extra-hours are to go entire to the prisoner-workmen, no part of them to him : But of the labour of the stated hours a great part, if not the whole, is to go to him.* Of the hard work, which is the only sort the Act allows of where hard work can be got, so much as can be got within the compass of the stated hours he will therefore be sure to get from them. But of the only two species of labour which the Act exhibits at the head of the list of specimens and patterns, (treading in a wheel and heaving at a capstern) there is not one which it would be possible for a task-master to compell the continuance of, so much as during eight hours of the twenty-four, the smallest of the numbers of stated hours prescribed. Judge then whether he

* § 20.

will

will give up any of that time which is his, in order to make *them* a present of it.*

Another anticlimax not less extraordinary is yet behind: labour made less and less according to length of standing. When a man has served a third of his time, so much is to be struck from off his work:† when two thirds, so much more. Less and less of it there is thus to be, the more valuable it is become to every body, the easier it fits upon himself, and the nearer he is arrived to the period, when he will have that and nothing else to depend upon for his subsistence.‡

* What then does this clause amount to?—any thing or nothing? Shall we ask the Gloucester magistrates?—Their decision is in the negative. Punctual copyists of the other provisions of the Act, they have passed this by without notice.

† “From his confinement and labour” says the Act. § 38.

‡ “The offenders....shall be divided into three classes; which shall be called the *first*, *second*, and *third* class; for which purpose the time for which such offenders shall severally be committed shall be divided into three equal parts; and during the first part of the time of the imprisonment of every such offender, he or she shall be ranked in the first class, and during the second part of such time, he or she shall be ranked in the second class, and during the third and last part of such time, he or she shall be ranked in the third class; and the confinement and labour of such offenders as shall from time to time be ranked in

“the

What is at the bottom of all this contrivance?—possibly the principle of the *blunt saw*: when prisoners require most *plaguing*, most labour is to be got out of them: when less plaguing will suffice, the superfluous labour is to be tossed by, as being of no further use. While their work is troublesome to them and they are awkward at it, and it is worth but little, they are to be made do as much of it as they can: the more it comes to be worth, as it answers in a less degree the purpose of *plaguing* them, the less of it there is to be.

At Westminster school, the climax of instruction takes, if it is not much altered within these thirty years, a somewhat different course.—Whatever be the task, the longer a boy has been about it, the greater is the quantity of it expected from him in a given time. Memory, invention,

“ the first class, shall be most strict and severe, and the confinement and labour of the offenders ranked in the second class, shall be more moderate, and the confinement and labour of those ranked in the third class, shall be still more *relaxed*; which several degrees of confinement and labour, so to be affixed to each class, shall from time to time be settled by the Committee, by orders of regulation to be approved of in manner aforesaid, but so as not to defeat or elude the special provisions made and appointed by this Act.”

whatever

whatever be the faculty concerned, the supposition is, that it would rather be improved than impaired, fortified than debilitated, by use. If ten lines are to be got by heart for an exercise in the second form, twenty lines are to be mastered in the same way in the third. If a Greek distich is to be construed and parsed in the fourth form, a tetrastich is to be discussed within the same time and in the same manner in the fifth. The supposition there evidently is, that learning is a good thing, that the more a boy can be made to imbibe of it the better, and that in short he could hardly have too much. That any proposition to this effect was hung up in any part of the school-room, is more than I ever heard. But if it had been, it could not have been more thoroughly recognized, nor the truth of it more steadily assumed in practice. In these new invented schools of penitence and industry, a proposition not less steadily assumed and implicitly conformed to is, that industry, that productive labour, is a bad thing: that it is fit only for punishment: that an honest man cannot have too little of it: that it is fit only for felons, and for them only while the marks of guilt are fresh upon their heads: that the less of it a man goes through,
the

the better it is for him. Accordingly the object of this clause is to wean him from it by degrees: regarding it as fit not for ordinary diet, but only for physic, the dose of it is lessened in proportion as the effect, with a view to which it was first administered, is supposed to be produced.

For my part, I see nothing in the principle pursued in the school of literature that should render it unfit for adoption in the school of productive industry: I can find nothing in the design of either institution that should prevent its reception in the other. But were there in this case a repugnancy that I do not see, so that all that I could obtain were the option of giving it to the one or to the other as I chose, I must confess it would be to the more humble establishment of the two that I should be disposed to give the preference. It is by reading Latin and Greek that we learn to read Greek and Latin: but it is by digging, and grinding, and weaving, that we live.

I have sometimes thought that, considering the light in which the matter seems to have been viewed, industry has been let off tolerably cheap, and that it is a happiness the divisions in this newly devised school of industry have not been more than half

half the number of those in the school of literature. Had there been as many classes at Wandsworth as there are *forms* at Westminster, it would not be easy to say to what profundity of gentlemanly repose the anticlimax might have pushed. As in the one place the seventh form is filled with the few whose persevering spirit enables them to tug at Hebrew roots, so to the other none should be admitted whose oblivion of labour had not learnt to shew itself at their finger's ends, as in China, by a seven inch length of nail.

The stock of relaxants is not yet exhausted. When hours after hours of the working time have been struck off, for fear the prisoners should not yet be idle enough, some of the best of them are to be picked out, their work is to be taken altogether out of their hands, and they are to be suffered to go idling about the house. By a separate section inserted for the purpose, § 39, the Governor is empowered "to employ at his discretion any" ...
 "who shall be ranked in the third class, as servants, overseers, or assistants, in the management of the works, and care of their fellow-prisoners, instead of being confined to such their daily labour as aforesaid."

I say -

I say *idling*: for house-service, in comparison of a working trade, is idleness: superintendence of course, still greater idleness. A preceding clause (§ 32) took them from whatever good trades they had been bred to, to put them to a bad trade, contrived for punishment and nothing else. A part of them are now to be taken even from that bad trade. By the time their term is out and they are to be turned loose again upon the wide world, they are to have unlearned every thing that can afford them the smallest prospect of a maintenance. For in such a place what possible provision can house-service lead to? Who will take house-servants from such a house? House-service requires confidence: character is insisted on. Of handicraft trades most require very little, some scarce any.

The clause calls itself an enabling clause. What is it? Were it any thing, it would be a restraining one. Servants? What servants worth speaking of can really be wanted in such a house? Are the prisoners to be too proud, or has the Act made them too busy, to sweep out their own rooms? Could not the task of keeping clean the common rooms (since upon this plan there were to be common rooms) be performed by rotation? Does it require

PART II.

K

picked

picked men to do it? I say it is in effect a restraining clause. Supposing no such regulation, such sort of service, what little of it there is necessary, would have been performed on one or other of two plans: either upon the rotation plan, every one doing a small share; or, were any selection made for a sort of service requiring no sort of skill, it would be of such as were awkwardest at their trades. I speak of a manager of common plain sense, who were not handcuffed, and whose profit were staked upon the success. Here he is dissuaded from the rotation plan, an establishment of servants is recommended to him, and in choosing them he is forbidden to take them from any of the three classes but that which includes such as are expertest at their trades, as far as expertness is to be inferred from practice.

I call it then a restraining clause, and so it is with regard to good management and industry: for with regard to abuses and idleness, its enabling tendency is not to be denied.—The objects we are most conversant with will naturally be uppermost in our thoughts. In the creation of this new microcosm no wonder if the old and great world should sometimes have been in view. Of this chief
feat

seat of relaxation in the most relaxed of all the relaxed classes, the idea seems as if it had been taken from Lord Chesterfield's Hospital of Incurables: niches are accordingly left in it here and there, capable of being fitted up into little snug places and sinecures.

Of all this elaboration and complication what then is the effect?—Mischief:—mischief in all its shapes: listlessness, idleness, incapacity of earning subsistence. Mischief and nothing else.—What was the end in view? Not mischief most assuredly.—What then?—In good truth I do not know. Punishment is one use it is applied to, and that the only use. By § 47th, powers of punishment are provided, and that of “removing such “offenders, if ranked in the second or third class, “into any prior class,” is of the number. What then? This delicate piece of mechanism, with all its softness and smoothness and relaxation, is it after all but an engine of punishment? An excellent one it would be, were it as good as it is expensive. Perillus's bull, had it been of gold instead of brass, would scarce have equalled it*.

* *Calculation*

Of the expence of this engine of punishment, for 900 prisoners, being the number provided for by the Act.

K 2

Suppose

This reason, such as it is, makes bad still worse: complication and obscurity, and that com-

	<i>Suppose</i>	£.	s.	d.
Gross average value of each prisoner's work for a day.		0	0	3
This makes for a week	— — —	—	0	1 6
For a year	— — —	—	3	18 0

Proportion to be struck off from the labour of each prisoner upon his removal from the first class to the second, one hour out of nine, the average number of hours, I set at one ninth: and a Manager would hardly think of striking off less than this, if he struck off any thing.

Additional deduction on the removal from the second to the third—one-ninth *more*.

	<i>Result.</i>	£.
Gross annual value of the labour of 900 prisoners } without the deduction in question — — }		3510
Ditto of one-third of the number viz. 300 being } the number in the second class — — }		1501
Deduct one ninth from the total value of the } labour of this second class — — }		130
Ditto two ninths from that of the third class — —		260
Total deduction		390
Present value of such annual deduction considered } as a perpetual rent-charge at 30 years purchase. }		11,900 0 0

I think I shall not be accused of having rated the value of the labour extravagantly high at 3d. a day, considering that it is but the gross value, and that it takes the economy at the highest pitch to which it can be pushed, not only by this Act, but by the accumulating powers of a series of Acts explanatory and emendatory

plication a cover for tyranny and injustice. The meaning, if I do not misunderstand it, was, that

tory upon the same principles to the end of time. I say then, that for £15,600, not a Perillus only, but even an ordinary goldsmith of the present degenerate age could make a very decent bull, big enough to broil a middle sized man in, of the very best gold. I mean provided he were allowed to take his own way for making it: for I would not answer for him were he to be obliged to learn his art, like the manager of this manufacturing concern, from instructions beat into him by Act of Parliament, nor if the thickness of the gold were to be regulated upon the same principles as the dimensions of the houses in the Penitentiary-Town are by this Act.

Whether the deduction was meant to be made in the article of *time* or in the article of *exertion*, it comes to the same thing. It must have been in one or other: for it is not "*confinement*" only that is to be first "*more moderate*," then "*still more relaxed*," but "*labour*." Time was the element best adapted to calculation as being the only one of the two that was susceptible of a determinate shape. If the Act meant not *time* but degree of *exertion*, it did still worse: for that would be giving the power its most arbitrary form. The intention could hardly be that the relaxation should be administered by change of trade:—the economy would be still worse.—Is the new trade a less productive one than the old one?—Here is loss then incurred to no purpose. Is it more productive?—Still the same loss; only precedent instead of subsequent:—a bad trade carried on for a whole year for the sake of changing it for a better at the year's end.—Is it neither more nor less productive?—Still there is loss. For by the supposition, in the second trade there is to be the same produce with less la-

for a prison-offence, the Committee should have the power of adding to any prisoner's term of confinement an additional one, ever so short or ever so long, so as it did not exceed the original one. In that case, the simple course would have been to have said so. Instead of that, the meaning is expressed in a round about way by reference to these

bour. With equal labour it would therefore have been more productive than the first. It ought therefore to have been taken up from the beginning instead of the first. Add to this in every case the loss that must result from the time consumed in learning a new trade.

Another mischief. Not only the *labour* is thus to be more and more relaxed, but the *confinement* likewise. What is the consequence?—Corruption: corruption still greater than before, if already it was not brought to its highest pitch. For how is it where the confinement is strictest? even there, association promiscuous or nearly promiscuous takes place at different times of the day, at working-times, at meal-times, and at airing times. How then can the confinement be relaxed, unless it be by encreasing the already too great liberty of association? They are not any of them surely to be let out of the house? They are therefore to be suffered to go about idling and confabulating and confederating within the house. And at what period is this encreased relaxation and encreased faculty of association to take place?—At the very period the nearest to that of their discharge, when all the bad lessons they have collected from one another, whatever they are, may be transferred from theory to practice.

classes

classes. What is the consequence? That when six years, for instance, was the term for the original offence, for the prison-offence you can have nothing less than two years: nor if you would have more than two years any thing less than four years: two years or four years then, with an additional time, such as the Committee may think proper to add to it, is the only alternative. Two years the least quantity in such a case; or else this precious engine, which it cost so many thousand pounds to make, is not to be used: if you won't use it harshly, you shan't use it at all: so says the letter at least of this law *.

* This is one mode of construction: is it the right one? I will not be positive: it would take an argument of an hour long to attempt to get to the bottom of this darkness. Here is the clause, in its own words, that I may be sure of not doing it an injustice. “ And in case of removal into any prior class, the offender shall, from the time of making such order of removal, go through such prior class, and also the subsequent class or classes in the same manner as under his or her original commitment, and for such additional time as such Committee shall think proper to order, so as the whole time of confinement, be computed from such order of removal into such prior class to the final discharge of the offender, shall not exceed the original term for which he or she was committed.

The necessity, howsoever it might fit upon the prisoners, would not fit very heavy upon the Go-

Does the word *manner* include the consideration of *time*?—It should seem yes. It surely might, if nothing else were said about time. *Additional* with relation to what? additional with relation to the longer time they would have to stay in consequence of their being *turned down* into a lower *class*, supposing nothing expressly said of time? or merely additional with relation to the *original* time specified in the *sentence*?—In the latter case, the sense would have been more clearly expressed by leaving out the word *additional* or the word *and*, or both of them:—*in the same manner.... ..and for such time as the Committee shall.....order.....—in the same manner....for such additional time.—in the same manner.... for such time—*In any of these three ways, the expression would have been clear on the side of lenity, proportionality, and reason. If neither the word *and*, nor the word *additional* were designed to enforce the contrary construction, no effect at all is given them, and they serve only to perplex. Thus then stands the question. The letter of the law pretty decidedly on one side: reason, as I conceive it, on the other:—but what sort of a guide would reason be to trust to throughout this law?

Thus much is certain:—that a cruel, or what is more to be feared an interested, Committee-man, leagued and connected with the Governor, might, without the smallest risk or even imputation, take the rigorous side: and what is remarkable, the abuse would not in any possible way be susceptible of a remedy. Convened before the Court of King's Bench, what possible fault could be found with a Committee-man who had been in the constant habit of sentencing no prisoner for less than two years?—*How came you for so slight an offence to inflict imprisonment for so long a term?*

vernor : I mean if he has in effect that interest in the productiveness of the establishment which the Act wishes him to have. It will be no secret to him that the same quantity of labour at the expiration of an apprenticeship is worth rather more than at the commencement of it. Nor will the necessity sit much heavier on the Committee, if they either set a value upon the friendship of the Governor, or set the same value upon this engine of punishment as appears to have been set upon it by the maker : the Committee of three, I mean, who when not so many as three are not more than

term?—Because I found myself obliged : the law is peremptory : it does not admit of a shorter.—No ; you mistake ; you were not bound.—Well if I was not bound, I am sorry for it, but I have done no wrong : for I thought I was, and you cannot deny that I was empowered.—Had the discretion given not extended to so long a period, the stretch, if the construction authorizing it were not approved of, would have been chargeable with illegality, and there would have been something to have appealed from. Here, as there is no pretence for a charge of illegality, there is no ground upon which an appeal can build itself.

To form a just conception of this clause, and of the spirit which pervades this Act, add to the mischiefs of a plan bad in principle, the mischiefs of perplexity and ambiguity resulting from complication.—O simplicity ! heaven-born simplicity ! when wilt thou visit the paths of law ?

one

one, and who, sitting in the dark, with an interested prosecutor, their creature and their dependent, at their elbow, cumulate the functions of Judge and Jury. This I know, that were I a candidate for the management contract, I would make no inconsiderable allowance for such a clause, especially so worded. I mean if I could bring my conscience to such a degree of relaxation, that the idea of taking a sentence of imprisonment for a few years, and altering it under the rose into a punishment for life, sat as easy upon me, as that of a similar transformation appears to have sitten, I hope through inadvertence, upon the planners of the Colonization scheme.

The mischief-roll is not yet read through. The proportion of punishment, such as it is, what does it depend upon?—Upon the degree of delinquency which called for it?—No: not in any shape. The punishment is proportioned, not to the magnitude of the offence, but to the length of a man's term: not to the offence for which he is punished, but to another offence which has nothing to do with it, and which has already had its punishment.

That *punishment* is the only use this classification is put to in the Act itself is certain. But was
it

it really designed for an engine of punishment and nothing else?—If so, the awkwardness of it is not less remarkable than the expensiveness. There equal periods of a man's term, three years say, is the time it is supposed to be wanted for. For one of those periods it can't be used: since for such time as a man is in this "*first*" class as it is called, meaning the lowest, there is no lower class into which he can be turned down. What is this period during which it can't be used?—The very period of all others during which, if in any, it would be wanted. When is it that punishment in every shape is in most demand? When is it that unruliness is most to be apprehended, and requires the greatest force to combat it? One would think it were, when coercion was most new.—A bit for breaking in horses which has this peculiar property belonging to it, that it can't be used till the horse has gone a twelvemonth upon the road! An engine that cost 11,700l, and that can never be used till experience has shewn that there is no need of it!

Was the sinecure establishment that we have seen grafted on this classification plan, meant as a fund of *reward*? It is still worse contrived for re-
ward

ward than the engine of punishment made out of the classes is for punishment: that cannot be used till one-third of the term is over: this, not till two-thirds are at an end.

One glance more, and I have done. Two divisions or classifications, the reader may have observed, running on together: two classifications made upon so many different principles: the first grounded on capacity for hard labour, as indicated by age, sex, health and ability: the other on length of standing; that is, not an *absolute* length of standing, but *relative*, relation had to the proportion elapsed of each man's term. If this account be obscure, I am sorry for it, but I cannot help it: were it altogether otherwise, it would not be a faithful one. These divisions cross and jostle one another in effect: but in idea each may be considered by itself: let us observe for a moment the consequence of the first of them. Two classes of persons are carefully distinguished and placed in situations as opposite as possible:—from that moment, their treatment, as to every thing that remains of it, is uniformly the same. Two sets of people and but two: to heave at a capstern, or what is looked upon as equivalent, the employment of the one:

to

to knit nets or some such thing, the occupation of the other. No medium: straining to excess, or sitting almost without motion. The labour of the former might be too severe; that of the latter not sufficiently so: preservatives require to be employed against both excesses: clauses to restrain undue severity in the one case, clauses to restrain undue lenity in the other. What does our legislator? He twists both kinds of clauses together, and applies them indiscriminately to both classes of workmen and both classes of work. What is the consequence? Every such clause is a two-edged sword: with one edge it destroys one part of the company, with the other edge, the remainder. With the one he thus cuts up one half of his own purposes; with the other, the other half.—Because 14 or 15 hours would be too long for one set to heave at a capstern, the others who are to do nothing but sit and knit, are not to have any more than 10, than 9, than 8 hours to do that in or any thing else: because three or four hours would be nothing to employ in knitting, those who are to heave at a capstern are to heave on for not less than 8, 9, or 10 hours; and longest when the heat of the weather has rendered the fatigue most intolerable.

Because

Because those who are to sit knitting would soon be dead were they to do nothing but sit or lie a-bed without exercise, the capstern-heavers who have been heaving and straddling till they cannot set one foot before the other, are also to have their walk. Because the capstern-heavers will be dead with fatigue before their day is half spent, the knitters are to have 14 hours out of the 24, and never less than 12, to soak in bed : and this is called keeping them to hard-labour. Because the capstern heavers will be worked to death before their term is one third over, the knitters, by the time they have gone through a third of their's, are to have a part of their knitting hours struck off, and by the time they have gone through two-thirds, the abatement is to be doubled.—

*Exaggeration! exaggeration! Can you seriously then pretend to believe, that mischiefs like these would really ensue?—*I hope not:—I trust not:—at least not in any such degree: in some way or other the worst of them would be got rid of. These like others would some how or other find something like a remedy.—True.—But who should we have to thank for it?—Those who contrived the Act?—No: but those who would have to execute

ecute it: that is to struggle under it, and save themselves from executing it. Of two things one: executed, it is ruinous; not executed, it is useless: such is the dilemma that pursues it through every part of its career. The provisions either will or will not have the effect of peremptory ones. In the one case they are productive of the mischief which we see: in the other, they are of no effect against the mischiefs which they themselves have in view.

Recapitulation—Errors collected under the single head of *Employment*—fruits of legislative interference in matters of domestic and mercantile economy.

1. Setting out with a wrong *object*—*hard labour* instead of *profit*.

2. Undertaking to give any *regulations* or *instructions* at all with regard to *choice* among the species of employment.

3. Grounding the choice upon a *wrong principle*: employing human exertion to generate pure force.

4. Making peculiarly *disadvantageous applications* of that disadvantageous principle—*capstern-work* put upon a line with *wheel-work*.

5. Prescribing

5. Prescribing other *employments particularly disadvantageous* upon the face of them : such as beating hemp, rasping logwood, chopping rags—operations already performed to more advantage by machines moved by the elementary *primummobiles*.

6. Putting a negative upon *mixture of employments*, though alike recommended by health, economy and comfort.

7. Putting a negative upon a free *change* of employments, as economy may occasionally require.

8. Limiting the quantity of labour either one way or other in point of *time*: *working-hours* not fewer than 8, 9, or 10 in a day, nor more.

9. Making the limitation different in different *seasons*: 10 hours for seven months, 9 for two other months, and 8 only for the remaining three: thence losing so much in the two latter seasons.

10. Making the limitation such, that the exercise shall be *hardest* in the season when men are *least able to bear it*.

11. Making further deduction from the sum of labour on the ground of *length of standing*: striking off so much when one third of the term is over,
and

and so much more, when two thirds with or without limiting the amount of the deduction, or specifying the mode.

12. Making the deductions *per saltum*: two degrees only of relaxation, two classes only of prisoners: to the disregard of the numerous differences indicated by the circumstances of individuals.

13. Facilitating undue preferences:—by the power given of changing the work from real to nominal.

14. Authorising excessive additions to the duration of punishment, by a judicature, secret and arbitrary, and liable to be interested.

15. Establishing an *expensive fund* of reward and punishment: and that so constituted, that it can never be used till the inutility of it has been demonstrated by experience: degradations and indulgencies that cannot take place till one third or two thirds of a man's time is over.

16. Prescribing, under the common notion of hard labour, two classes of employments as *opposite* in point of severity of exercise as possible, without any medium.

17. Prescribing for such opposite measures of exertion, the same measure of *relaxation*; and that in every particular——hours, seasons, and length of standing.

§ 6. *DIET*

 § 6. *DIET.*

ON the important head of diet, the principles already established leave little here to add:

1. Quantity, unlimited: * that is, as much as each man chooses to eat.
2. Price, the cheapest. †
3. Savour, the least palatable of any in common use. ‡
4. Mixture, none.
5. Change, none unless for cheapness.
6. Drink, water.
7. Liberty to any man to purchase more palatable diet out of his share of earnings. ||

* Rule of lenity, see § 1.

† Rule of economy.

‡ Rule of severity.

|| Rule of economy. Few cases, I believe there are, if any, in which it will not be found advantageous even in point of economy to allow a man in the way of reward, a proportion of his earnings. But *reward* must assume the shape of a present gratification, and that too of the sensual class, or, in the eyes of perhaps the major part of such a company, it can scarcely be expected to have any value: and if it takes a sensual shape, it cannot take a more unexceptionable one.

8. Fermented liquors excepted, which, even small beer, ought never to be allowed on any terms.*

Thus speak our three rules. Look round among the systems in practice, we shall find them all three transgressed, and what is more, the opposite excesses united in one and the same transgression. Many different dietaries have been adopted, prescribed, or recommended. These opposite defects may be observed more or less in all of them. In all of them the food is limited in quantity : in all of them it is more or less too good in quality. At

Rule of severity. How many thousands of the honest and industrious poor are incapable, unless at the expence of food and nourishment, of giving themselves this unnecessary indulgence.

* The mischief done to health by the use or abuse of fermented liquors is beyond comparison greater than that effected by all other causes put together. The use is in fact none at all, where habit is out of the question. It would be next to impossible to tolerate a moderate enjoyment without admitting excess. The same beverage that produces no sensible effect on one man will overcome another. Even small beer ought not to be excluded from the general proscription: for there can be no commonly practicable test for distinguishing small from strong: and I have known constitutions to which even ordinary small beer has afforded the means of intoxication.

Wymondham

Wymondham, three different sorts of things in turn, but of the only one of which the quantity is specified, viz. bread, a deplorable scanty measure. Thus far however right, as, except one meal in the week, animal food forms no part of it*.

Twopenny worth of bread only for a whole day! and this under the hardest as well as the easiest work! Twopenny worth of bread? Many a man will eat as much with his meat at a single meal. The allowance settled too not by quantity but by value! If thus scanty when at the largest rate, what must it be when one-third of it is struck off? Under a regimen like this a prison must be a scene of perpetual famine. I read it in the dietary. Howard read it in men's countenances. "Several young men," says he, (his visit was in 1788†) "seemed as if they could not go out so fit for labour as they come in."—*Nobody, it is said, dies there.*

* WYMONDHAM DIETARY.

Two Meals.

<i>Breakfast.</i>	<i>Dinner.</i>
A penny loaf every day.	Ditto two days, potatoes two days, boiled pease two days, ox-cheek soup, one day.

† September 12.—On *Lazarettos*, p. 152.

L 3.

I believe

I believe it : they do not stay there long enough : but there are slow poisons as well as quick ones. *Nobody*, it is added, *is sick there*. I deny it. Every body is sick there, and always. Is not a perpetual gnawing in the stomach a disease? Work little or much, behave well or ill, this is to be their fate. Were I to put a man to such a regimen, which as a necessary means to a fit end I should not scruple, I should speak honestly and call it *torture*. I should use it instead of a thumb-screw : it is applying the rack to the inside of the stomach instead of the outside of a limb. *Men that have once been there do not come there a second time*. I dare say they don't, nor would they were their allowance thrice as great as it is. It is said *the profits of the work are more than double the expence of this maintenance*. I dare say they are:—why? because the maintenance is less than half what is sufficient.*

* God forbid what is here said should be the means of throwing any thing like odium on the labours of the respectable magistrate to whom the public is indebted for this regimen and the account we have of it. Of the purity of his intentions malice itself could not suggest a doubt : of his having conscience on his side, he has given the most unquestionable proof that man can give : for it is he himself who publishes his plan, and calls upon the world

The good Howard, who with me protests against this dietary, has given us one of his own : and in this, as in so many other instances, has shewn how little self was in his thoughts. Good things, a variety of them, and butcher's meat amongst the rest *. Butcher's meat twice, or rather four times

world to judge of it. Seeing that economy was the point at which the Penitentiary system stuck, it was his zeal for the system that carried him these lengths to serve it. Is this serving it as it ought to be served ? that is the question. It is an honest difference between us, and I hope not an irreconcilable one. But while my opinions on this head remain as they are, I cannot help regretting, for the sake of the prisoners, that some contracting Jew or had not had the management of the prison. The most rapacious of the tribe would not have dared to go such lengths on the side of parsimony as this gentleman has gone from the purest motives : if he had, instead of proclaiming it and calling for imitation, he would have been as anxious to conceal it as if he had stolen what he saved.

* HOWARD'S Dietary. On *Lazarettos*, p. 238.

Good wheaten bread $1\frac{1}{2}$ lb. daily, viz. $\frac{1}{2}$ lb. at breakfast, and 1 lb. at dinner.

BREAKFAST.

Every day $\frac{1}{2}$ of a pint of wheaten or barley meal, oat-meal, or rice made into soup.

DINNER.

Sunday and Thursday, 1 lb. of beef, mutton, or pork without bone.

Monday

Monday

a week, to felons whose diet is to be their punishment! Butcher's meat for the lowest vulgar, as if for fear a cheaper diet should not agree with them! He himself all this while never suffering a morsel to enter within his lips. Yet what man ever enjoyed a more uninterrupted flow of health and spirits?

This inconsistency, in a word, runs through all the dietaries I have ever met with. Nobody who has ever had the courage, to be either cruel enough to feed felons as so many honest men would be glad to be fed, or extravagant enough to give them as much of the poorest food as they require. The simplest course one would think was doomed to be always the last thought of.

I look at the *Hulk* dietaries: and in these, animal food abounds more than in any other. This is not difficult to account for. The prisons are ships:

Monday and Friday, a pint of pease boiled in the broth of the preceding day.

Tuesday, $\frac{1}{2}$ a pint of wheat or wheat flour made into pudding or soup.

Wednesday, 2lb. of potatoes, turnips, carrots, or other vegetables that are in season.

Saturday, $\frac{1}{2}$ lb. of cheese, or the vegetables as on Wednesday.

the

the guards seamen : it must be seaman's provender. What was the custom at sea would of course be kept in view, not what was the custom elsewhere where men are kept cheaper, much less what are the demands of nature. Neighbour's fare could not well be denied : especially when such a price was paid for it. Howard too had been there and grumbled : and there were those who had the fear of Howard before their eyes. The powers above were doubtless told, that all this good living was well paid for in work : men who work hard must be well fed : and when men are well fed, those who feed them must be well paid for it. What has not been said I suppose to the powers above, is however most true, that what is paid, for thus working men and feeding them, over and above what need be paid, is more than even the pretended value of their work.

Turn now to the Penitentiary-Act. Another visit to the kitchen, and as much got by it, as before. By § 35, every offender is to be "sustained with bread and any coarse meat or other inferior food, and water or small beer."

For humanity, for health, for comfort, what does this do?—Nothing.—In what respect can the
prisoners

prisoners be the better for this article? In none.—What says it?—That the food shall be sufficient?—No.—That it shall be wholesome?—No: not so much even as that.—What then?—that bread shall form a part of it. They are to have—what? bread and something besides. What is that something to be? Is it to be meat at all events?—No: but either meat, so as it be coarse, or any thing else whatever, so as it be of an inferior kind. Inferior to what? that the statute has not told us, and it would have been rather difficult for it to have told us.

For economy what does it? Nothing.—Does it set up any sort of barrier against unthriftiness or waste? May not meat, though coarse, be unthrifty food, if furnished in an unnecessary quantity or laid in upon unthrifty terms?—Might not their caterer cram them with Polignac rolls for any thing there is in the Act to hinder him?

It does worse than nothing. One thing it does determine—bread they must have:—bread, for ever, and at all events—Why always and at all events bread? Is it that bread is always the cheapest of all food? By no means. Whether it be so at any time it is not necessary to enquire: it is sufficient that it is not
always.

always. Bread is a manufacture. Does not the earth afford substances that will serve for food, that are actually made to serve for food with less expence of manufacture ! Is bread any where a necessary article ? Is it so much as universal amongst ourselves ? Are there not hundreds of thousands, nay millions of honest men in the three kingdoms, to whom the very taste of it is unknown ? Is not Ireland fed with potatoes ? Is not Scotland fed with oatmeal ? Is that inferior grain so much as manufactured into bread ? Are Irishmen a puny race ? Is the arm of the Highlander found weak in war ?—What a lesson to hold out to so large a portion of the people !—that the food they are content with, the best their country can afford them, is not good enough for felons ! *

* Not only bread is to be given at all events in ordinary, but even where an inferior diet is prescribed to be given for punishment's sake, still it is to consist of bread. Guilt upon guilt, and the most guilty among the guilty are never to be sunk so low in this school of rigid discipline, as to be no higher than upon a par with liberty and innocence.

Even lenity itself, were that the only consideration, would afford an objection against the fixing upon bread as a necessary article. Bread being a sort of food which is commonly eaten with meat, and with which meat is commonly eaten, the giving it without

For what purpose then can this regulation serve? For what could it have been meant to serve?—For guidance?—For instruction?—Did it need the united power and wisdom of King, Lords and Commons, to inform us, that there are things which may be eaten with bread, and that meat is one of them? Almost equally useless is that part which prescribes the drink, though not equally pernicious. They are to have—what? Either water or small beer. If the being confined to water is an undue hardship, what does this clause to save them from it? If it is not an undue hardship; why expose the public to be put to the expence so much as of small beer? In what respect is the regulation of the smallest use to them? Though they were to have beer given to them, is there any thing in the Act to prevent its being four or musty?

For what use then this regulation about diet? when profusion is left without bounds, and when the prisoners may be starved or poisoned for any thing that it does to save them. Ask of what

out its usual accompaniment would naturally make the privation the more sensible.

diservice

disservice? The answer is plain, and not to be contradicted. It prevents them from being fed so cheaply as otherwise, without any prejudice to health, they might be. In this important article good economy and this Act cannot exist together.

Ask my contractor, and after a year or two's trial he will tell you distinctly how many thousands the nation would have had to pay for this excursion into the kitchen. The world, you will find, might be sailed round and round for a small part of the expence.

Vain would it be to say, *so long as you give them bread, though it be but a morsel, you may compose the bulk of their food of whatever is cheaper, without violating the letter of the law.*—Certainly: but could you without violating the spirit? without departing from what it was evident the authors had in view? Is not the article of bread put foremost? Is it not evident, that according to the notion and intention of those who drew this clause, bread was to compose the principal part of men's food?—But suppose the clause not obligatory—what would it then be?—Nugatory.—Here, as before—mischief, or nothing—such is the alternative.

Turn

Turn them over to a contractor, and observe how different the result. No need to rack invention to prevent his spending too much upon their food. Leave it to him, and one thing you may be sure of: that in this way as in all others, as little will be spent upon them as possible.

The only thing to fear in this case is, lest he should not bestow as much upon them as he ought. But against this you have your remedy. Do what the Penitentiary Act has not done, require that the food shall be wholesome and that there shall be enough of it. This is something. It is such ground as not only popular censure, but a legal indictment may be built upon. Is it not yet enough? Say that, punishment apart, he shall feed them to the extent of their desires. Will he still fail you?—Hardly.—Even upon the plan of the present Penitentiary Act some eyes, upon the Panopticon plan, all eyes, are on him. The latitude thus given him with regard to the choice of the food, which of course will be of the cheapest sort, as even of service to his integrity and to the comfort of the prisoners in this respect, by the jealousy it excites. Whatever he does in this way is his own doing: the result of a motive, of which the
force

force is known to every one, and regarded with a suspicion which is as universal as it is reasonable. It is his own doing, and seen by every body to be so. No pretence of public good, no letter of any law, to afford shelter to inhumanity or avarice.

§ 7. *CLOATHING*

§ 7. *CLOATHING.*

A Few words under the head of cloathing, and but few.

Health, comfort, and decency prescribe the limits on one side : economy on the other. Fashion, the supreme arbiter every where else, the cottage not excepted, has no jurisdiction here.

The Penitentiary Act points out two other objects as proper to be kept in view, humiliation and safe custody. So much for generals : happily under this head it keeps clear of specifications.

Two hints I will venture to offer to my Contractor in this view.

For men, coat and shirt-sleeves of unequal length : the left, as usual : the right no longer than that of a woman's gown.

Economy is served by this contrivance in a small degree : safe custody in a greater. The difference of appearance in the skin of the two arms will be an essential mark. In point of duration, nothing can be more happily suited to the purpose : it is a
permanent

permanent distinction without being a perpetual stigma.

Exclusive of this pledge, I look upon escape out of a Panopticon, I have said so over and over, as an event morally impossible. But suppose it otherwise—how great the additional security which an expedient thus simple would afford !

A man escapes—minute personal description, *signalement*, as the French call it, is almost needless. One simple trait fixes him beyond possibility of mistake. His two arms wear a different appearance: one, like other men's: the other red and rough, like that of a female of the working-class. No innocent man can be arrested by mistake. He bares his two arms:—*Observe they are alike. I am not the man: you see it is impossible.*

The common expedient is, one sleeve of a different colour. This costs something: it saves nothing: and when the coat is off the security is gone.

Hardship there can be none: the tenderer sex, even in its tenderest and most elevated classes has both arms bare. Among the Romans, even the most luxurious and effeminate, not the fore-arm

PART II.

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only

only but the whole arm was bare, up to the very shoulder.

2. In both sexes, on working days, shoes wooden; stockings none: on Sundays, stockings and slippers.

Shoes wooden for several reasons.

1. They are cheaper than leather.

2. Among the common people in England they are known as a sort of emblem of servitude.

3. By the noise they make on the iron bars of which the floors of the Cell-Galleries are composed, they give notice whenever a prisoner is on the march. Putting them off in order to prevent this and escape observation, is an act, which if forbidden will not be practised, where non-discovery will be so perfectly hopeless. Besides that the bars would give pain to bare feet not accustomed to tread on them.

4. Were the prisoners to go bare-foot, the bars which form the floor of the galleries must be so much the closer, consequently the more numerous and expensive.

5. In climbing with a view to escape, it would be impossible to make use of the feet either with the wooden shoes on, or with naked feet kept ten-

der by the use of shoes. Common leather shoes, especially when stout and coarse, are of great assistance in climbing, and bare feet hardened by treading on iron and on the bare ground might find no great difficulty. Bare feet that were accustomed to shoes would serve as indifferently for running as for climbing: and a fugitive would hardly carry about with him so palpable a mark of his condition as a pair of wooden shoes.

Neither in this privation, fashion apart, is there any real hardship. Not to mention antiquity, or foreign nations, in Ireland shoes and stockings are rare among the common people in the country *. In Scotland these habiliments are not generally worn by servant-maids, even in creditable families.

It is on account of fashion, and the notions of decorum dependant on fashion, and to avoid giving disgust to the Chapel-visitors, that I propose stockings and slippers for Sundays. Slippers in preference to shoes, as helping to keep up the distinction, and being less expensive. Slippers, according to our customs, suit very well the condition of

* Young's Ireland, p. 121.

those who it is not intended should ever be absent from home. But in the East they are worn at all times in preference to shoes.

As to the rest, see the title of *Health and Cleanliness*.

§ 8. *BEDDING.*

§ 8. *BEDDING.*

A Word or two, merely to set the Manager at liberty on the article of *bedding*. More unlegislative minuteness, more unthrifty fixation. Each prisoner is to have a bedstead, that bedstead is to be iron, the sheets are to be one or more, they are to be hempen, there is to be a coverlit, there are to be blankets, there are to be two or more of them, and they are to be coarse. Why a bedstead at all events, and that of iron, by Act of Parliament? Not that there is any harm in giving prisoners iron bedsteads: it is what I might for aught I know give them myself, if it depended upon me. Here again what is the object? Comfort, or economy? The former gains nothing, and the latter suffers by it. Spite of the Act, your bedstead, though of iron, may be so dear as to be an unfrugal one, or so scanty as to be an uncomfortable one. Procrustes, were he manager, would find nothing in it against his bed.—Is it that iron is the cheapest material for bed-

M 3

steads

steads? A contractor then, had it been left to him, would have employed it. But it is not cheaper : a wooden one of the same size may be had for less money : and a bedstead, even a wooden one, will last for ages *.

But why force bedsteads upon the manager at all? Is it so certain that they will be preferable to hammocks? Is it so certain that they will be cheaper? Will they be warmer? Will they require less bedding? Will they take up so much less room? Is there any thing in hammocks inconsistent with good health? Had the immortal crews of the *Resolution* and *Adventure* any thing else to lie on? Can hammocks, any more than iron bedsteads, harbour bugs?

Why *matting*? Is it that you are afraid of their having feather-beds? My Contractor would ease

* Bugs, it is true, may lodge in wooden bedsteads. This is a very good reason for preferring them for hospitals. But there the case is different in a thousand respects. Comfort is the great object there: by discomfort and want of rest even a bug-bite may be productive of serious consequences. In hospitals the introduction of such vermin is facilitated by the promiscuous access incident to a frequent change of inhabitants and to a state of freedom: discipline, in this as in other points, cannot be enforced with equal rigour or facility.

you

you of your fears.—Why matting and not *straw**. Matting is not so favourable to cleanliness as straw. Matting, being a manufacture, costs something to make, and cannot be shifted every week or fortnight on account of the expence: straw might; the more easily, because having performed this service, it might be applied to other uses with little loss of value.

Sheets, why hempen at all events? If flaxen be cheaper, why have hempen ones? If dearer, what fear is there that the Governor, if he undertook the business by contract, would allow them?

Blankets too—to what end speak of blankets and coverlits, and enact that the blankets shall be “coarse,” leaving the coverlit to be of eider-down? Peculation or extravagance might give each man blankets by dozens, and those of beaver or vigogna wool, for any thing there is here to prevent it: avarice might starve him with a worn-out linnen coverlit, two thread-bare blankets, and those not worth picking off a dunghill †.

* To inclose the straw, as Howard says, there should be a sack for several reasons.

† If you must regulate, do what for the Hulks the Act has not done, and save men from the incommodious and indelicate necessity

ity of lying two in a bed. On board the hulks, this was (and I suppose is) the case, as the evidence the authors of this Act had before them, declares.

The single sheet the Act allows of is an awkward and uncomfortable contrivance. A sack, with a flap under the chin, would take less stuff and be more comfortable.

This, let it be observed, is in a note, and not in an Act of Parliament.

§ 9. *HEALTH*

§ 9.

HEALTH AND CLEANLINESS.

HINTS relative to this subject are not noble in themselves : but they are ennobled by the end.

1. No blowing of noses but with a handkerchief.

2. No spitting, but in a handkerchief or spitting-box.

3. No tobacco in any shape.

4. Washing of hands and face at rising and going to bed : washing of hands immediately before and after each meal : washing of feet at going to bed.

7. Hair of the head to be shaved or cropt : if shaved, to be kept clean by washing : if cropt, by brushing.

8. Bathing to be regularly performed : in summer once a week : in spring and autumn once a fortnight : in winter once a month.*

* In cold weather, immediately before the summons to the wheel would be the best time. The warmth lost in the former operation would thus be restored with interest by the latter.

9. Shirts clean twice a week.

10. Breeches washed once a week: coats and waistcoats once a month, in summer: once in six weeks, in spring and autumn: and once in winter. Sheet once a month: blankets once in summer.

11. Cloaths all white, and undyed: by this means they can contract no impurity which does not shew itself.

Observations.

Much of the regimen on this head must of course be arbitrary: it may be tightened by some, it may be relaxed by others, and yet nobody to blame.

Nothing like all this nicety with regard to cleanliness can be necessary to health: in some points it is more than is practised by persons of the highest stations and of the greatest delicacy. But the great use of it is to ensure success to the plan of Chapelvisitation: in which view it is absolutely necessary to prevent every thing that can give disgust to any of the senses. To get a bow straight, bend it, says the proverb, the opposite way.

This part of the regimen has even a higher object. Between physical and moral delicacy: a
a connection

a connection has been observed, which though formed by the imagination, is far from being imaginary. Howard and others have remarked it. It is an antidote against sloth: and keeps alive the idea of decent restraint, and the habit of circumspection. Moral purity and physical are spoken of in the same language. Scarce can you inculcate or commend the one, but some share of the approbation reflects itself upon the other. In minds in which the least grain of christianity has been planted, this association can scarce fail of having taken root: scarce a page of scripture but recalls it. Washing is a holy rite. Those who dispute its spiritual efficacy will not deny its physical use. The ablution is typical: may it be prophetic!—Alas! were it but as easy to wash away moral as corporeal foulness!

Here might regulation range, and economy receive no disturbance. *Accordingly.....shall I say?—no: I will not be spiteful:—but however, so it is, the Penitentiary Act is silent.*

On reception in particular, thorough cleansing in a warm bath: thorough visitation by the surgeon. This, in a *Reception-House* without the building. Cloathing new from top to toe—the old
thoroughly

thoroughly scowered or condemned. Ablution—regeneration—solemnity—ceremony——Form of prayer:—the occasion would be impressive.—Grave music, if the establishment furnished it: psalmody at least, with the organ. To minds like these (to look no farther) what preaching comparable to that which addresses itself to sense?

§ 10. OF

AIRING AND EXERCISE.

THE use of airing is to serve as a preservative to health.

Literally taken it means nothing but exposure to the air. But under the notion of airing is tacitly included that of exercise. As a means to the above end, either would be incomplete without the other.

In the choice of a plan of airing for a Penitentiary-House, and in particular for a Panopticon Penitentiary-House, the following are the qualities that appear to be particularly desirable—

1. That it be sufficient for the purpose of health, for the sake of which it is instituted.

2. That it be subject to the inviolable law of inspection.

3. That it be not incompatible with the degree of seclusion pitched upon.

4. That it be capable of being applied regularly and without interruption.

5. That

5. That it be favourable to economy: viz. either by being productive of a profit, or at least of being applied with as little expence and consumption of time as may be, on all days except those in which Religion is understood to put a negative upon that worldly consideration *.

Walking in a wheel is a species of exercise that fulfils to perfection every one of the above conditions.

1. It does every thing that can be wished for with regard to health. You may give a man as much or as little of it as you please. It is but a particular mode of walking up-hill. A lazy prisoner cannot cheat you. The turns may be numbered—there are known contrivances for that purpose. A partial or tyrannical Inspector cannot assign to a prisoner too little of this exercise or too

* In the Wymondham Penitentiary House the place allowed, the only one that can be allowed, for airing, is the inclosed quadrangle within the building, an area of about 70 to 80 feet. In this the air is taken.—By whom?—By all the prisoners?—No: but by “*some*” only.—And by those how?—Regularly?—No: but “*occasionally*.”—Why by some only, and by those only occasionally? Does the necessity of air and exercise to health and life come at odd times, and vary with the degrees or fancied degrees of guilt?

much.

much. The effect is produced by the mere weight of the body successively applied to different points. Exertion cannot be shrunk from by one man, or exacted beyond measure from another. The exercise is the same, or nearly the same, for one man as another: for a heavy man as for a light one.

2. That it is capable of exposure to inspection is evident enough. It is scarce necessary to observe that the axis of the wheel should be placed in a line not widely deviating from a right line drawn from it to the Inspector's eye, when stationed in the *Look-out* or *Exterior Lodge*. !

3. It is not incompatible with the strictest plan of seclusion: not even with absolute solitude. Whatever persons are companions in a cell, the same persons and no others may be companions in a wheel. The different parties may relieve one another in the way that will be pointed out presently, without any opportunity of converse.

It is beyond comparison more compatible with seclusion, and even with solitude, than ordinary walking. Requiring more exertion, a given quantity of it will go much farther, and is performed without change of place. It is walking up a hill, and that a pretty steep one.

4. It

4. It need not suffer any interruption whatsoever: not even in the worst of weather. To each airing-wheel there is an *awning*, to be used only in bad weather, supported by a few slight iron pillars, and composed of canvas, or whatever else is cheapest. It is provided with side-flaps all round: such of them only as are necessary to keep out the weather are let down: that side alone excepted which is towards the Inspector, and which, if let down, would impede his view. To extend the protection to this open side, the aperture is covered by a short projection like a *porch*.

5. It is not only favourable to economy, but the only operation ever thought of in this view that is so. It is all profit: and this profit is obtained without any sacrifice. It is not in the smallest degree the less healthful for the profit which it brings: walking up hill is not at all a worse exercise, though it will go farther, than walking on plain ground. Health and economy are not upon such bad terms as the authoritative plans of penitentiary management seem to suppose: an operation is not unfitted for the one purpose, merely by being made subservient to the other. No other of the modes as yet proposed of applying forced labour

is.

is equally advantageous, or equally unobnoxious to abuse. Heaving at a capstern, the exercise placed on a line with it by the Penitentiary Act, bears, as we have already seen, no comparison with it.

6. This exercise, it may be observed, is applicable with equal propriety to both sexes. What should hinder the setting a woman to walk up a hill any more than a man? But who could think of setting the weaker and softer sex to strain and struggle at a capstern?

To attempt to determine what are the most advantageous applications of all that could be made of the power thus acquired, would be equally useless and impracticable. It may be applied to any purpose whatsoever that the form of the building or the dimensions of the outlets do not exclude. Every one who is at all conversant with the principles of mechanics knows, that when you have obtained any how a given quantity of power, the direction that may be given to it, and the uses it may be applied to, are at your command. If your trade requires it, you may have a perpetual motion if you please. You may do what the Penitentiary Act advised you, *saw stone, polish marble, beat hemp,*

PART II.

N

rasp

rasp logwood, or chop rags. You may do a thousand things besides, and amongst the thousand, a thousand to five, some that will be more profitable than those. Having it in this case cheaper than you can employ even the powers of nature, having it in short for nothing, you may apply it with advantage, in every instance where there is advantage to be made by dividing labour in such a manner as to commit the production of the force and the direction of it to different hands.

One indispensable demand there is for it, and but one:—the raising water for the supply of the establishment, and health will thus receive a double sacrifice. But for this purpose a small part of the quantity of this sort of labour requisite for airing and exercise, will be sufficient. The rest will remain free to be dedicated to economy in whatever may be its most productive shape.

What is the proportion of *time* that ought to be allotted to this part of the discipline?—The quantity it is evident will admit of very considerable variation. It will be less fatiguing, without being less conducive to health, if performed at twice rather than once, and divided between distant parts of the day. Less than a quarter of an hour each time
will

will hardly answer any purpose. But that time may be doubled, trebled, quadrupled, if economy should require it. Happily the human frame allows of a considerable latitude in this as well as in most other parts of the dietetic regimen : nor therefore will it follow, that because half an hour spent in this way out of four and twenty would be sufficient, a whole one, or even two whole ones would be too much.

Under the notion of hard-labour, the Penitentiary Act prescribes, as we have seen, eight hours of this exercise out of the four and twenty, at the time of the year when it is least fatiguing, and a quarter as much again when it is most so.

The different parties, I have said, or individuals, may relieve one another without opportunity of converse. On the striking of the clock, an Inspector from his gallery opens the cell where the prisoner is whose turn it is to go into the wheel. He takes his course in the track already described*. Arrived at the door which leads to the wheel, by

* Through the prisoners' stair-case on that side, the grated passage, the prisoners' freights, the prisoners' rising-stairs, and the prisoners' lane, out of which a side-door opens, leading to the wheel's. See Part I. § 10, 15, 16, 17, and 26.

opening it he gives motion to a bell, at the sound of which and not before the prisoner who is walking in the wheel, quits it and returns to his cell. Silence is enjoined to both parties by a general law. The shifting, being the work but of a moment, and then performed under an Inspector's eye, can never, under these circumstances, afford room for a prohibited conversation of any continuance or effect. By the bell attached to the door that opens from the stair-case upon the gallery adjoining to his cell, notice is given of the arrival of the returning prisoner to the Inspector of his story, who immediately repairs to that spot in the Inspection Gallery which is opposite to the cell in question, and opens it, as before, to let in the returning prisoner, in the same manner that he who has just descended was let out. The Inspector, having a less circle to move in, will naturally have reached his station before the prisoner has reached the corresponding one: but should this not be the case, the prisoner is instructed to wait in the front of his own cell, without speaking or looking towards either of the adjacent ones. The same instruction is given with regard to every cell by which he has occasion to pass in his way down and up. And this instruction

instruction is not likely to be broke through, as besides the general security for its observance afforded by the inspection principle, the Inspector has, by the above-mentioned bell, received warning to observe.

Mode of Airing on the Parade.

Two Inspectors in the first place repair from the lowest Inspection-Gallery by the line of communication to the Look-out: taking with them fire-arms, with a proportionable supply of ammunition. In their way they carefully observe that the side doors opening into the Parade into the yards from the Covered-way through the Prisoners Lanes are locked. Notice being given to the Inspectors within that those in the Look-out have taken their station, the prisoners are in the way already described let out of their cells. Arrived at the parade they take their stations on the lines corresponding to their respective cells. They halt till it be seen that they have properly occupied their respective posts. Then, on a signal given from the Look-out the march begins.

To mark the time, and to preserve regularity the better, the assistance of martial music may be called in. Though the object be not military, there is nothing to hinder the copying in this respect the regularity of the military discipline. What are the institutions in which regularity may not have its use? By military arrangement any number of persons may be kept together or asunder at pleasure, while in motion as well as while at rest. By military discipline a large number may be kept virtually separated, though collected within a narrow space. At the time of exercise what conversation can be carried on even between next neighbours, though not a yard asunder? Even in the milder discipline of the school, if the master thinks proper to command silence, what conversation can be carried on within the circuit of his eye?

It is in this way that hundreds, as we have seen, may enjoy the benefit of air and exercise without the liberty of conversation, in a space which without an arrangement of this sort would not be sufficient to afford to three, no, nor to two, the same limited indulgence. In this way the space absolutely necessary for the purpose may be determined

to

to a foot square, and reduced to the smallest allowance possible *.

Thus much for airing considered as conjoined with exercise. But too much care cannot be taken, to profit by every opportunity that presents itself, of giving the prisoners the benefit of the salutary influence of the open air. The house which they inhabit is beyond example airy:—True: but still it is a house.—We shall come presently to the head of *Schooling*. This exercise of the mind, though it cannot conveniently be conjoined with bodily exercise, may in fit weather be as well performed in the yard as in a confined air. It therefore ought to be: whenever the inclemency of the weather does not absolutely forbid it.

* The expence of the music is scarce worth mentioning. On such simple instruments as a fife and drum, a very slight degree of instruction will be sufficient to the simple purpose of affording a measure to the time. That among such a multitude two or three persons susceptible of this degree of instruction should not be to be found, if not already possessed of it, is not to be supposed.

§ II.

Schooling and Sunday Employment.

EVERY Penitentiary House, it is observed in the Letters, besides being a Penitentiary-House was liable to be an *Hospital*. Every Penitentiary-House, I might have added, every Panopticon Penitentiary-House more particularly, might be, and ought to be a *School*: to children at any rate, since so it is, that even that tender age is not exempt either from the punishment or from the guilt that leads to it: and why not for the illiterate at least among men? Not many surely will there be, even among the adult members of this community, whose education has been so compleat as to have left them nothing to learn that could be of use either to their master, or to themselves. To read, to write, and to cast accounts, such ordinary branches of instruction, might be common to them all. Of such of them as possessed the seeds of any peculiar talent, the valuable qualities might be found out and cultivated. Drawing is
of

of itself a lucrative branch of industry, and might be made assistant to several others. Music here as elsewhere might be made an assistant to the productive value of the Chapel. If to a just comprehension of his own interest the Contractor should add a certain measure of spirit and intelligence, he will naturally be disposed to put them in possession, according to their several capacities, of every such profitable talent they can be made to acquire.—Who can doubt of it?—Their acquirements are his gains. Where is the Academy of which the Master has so strong or so immediate an interest in the proficiency of his pupils?

Instruction being to be administered, at what times of the week and of the day? Two words, *Sunday Schools*, resolve every difficulty. In them we see a vacant spot, nor that an inconsiderable one, of which instruction in its most respectable branches, intellectual as well as moral and religious, may take possession, without any opposition on the part of economy. Time was wanting for such employments: employments were wanting for this time. Both demands are satisfied by a principle so happily established and approved.

Of

Of what nature shall the employment be at those times?—Let religion pronounce, the answer cannot be long to seek. Two modes of occupation present themselves: exercises of devotion; and lessons of instruction in such acquirements as are capable of being insisted in the service of devotion. That the whole extent of the time could not be exclusively appropriated to the former purpose, is obvious enough: the very sentiment is more than will be to be found, until it be planted by instruction, in such corrupt and vacant minds. Paternosters in incessant repetition, with beads to number them, may fill up, if you insist upon it, the whole measure of the day: but the words, instead of being signs of pious thoughts, would be but so many empty sounds, and the beads without the words would be of equal efficacy.

I speak under correction: but for my own part I must confess, that among arts capable of being employed in the service of religion, I see none that need be excluded, even in this consecrated day, so long as they are actually and faithfully occupied in that service. Among the most obvious are those already mentioned in a more general view: especially that branch of music which has
received

received the name of *psalmody*. And if arts of a more refined and privileged texture, such as that of *design* in any of its numerous branches, could find admittance into so unpolished a society, why should they be excluded even on that day, so long as they wear the habit of the day *.

Mode of Airing and Exercising on Sundays.

To take their lessons they repair, when season and weather permit, to a kind of open amphitheatre in the airing-yard, of which, if necessary, there may

* Drawing, engraving, and colouring prints of Scripture scenes for editions of the Bible, the Book of Common Prayer, and other religious publications, furnish constant employment for a number of hands incomparably greater than could ever be picked out for such ingenious arts out of a Penitentiary-House. Reading and writing will, of course, on these days take religious subjects for theme: and these vulgar branches of instruction will find sufficient occupation for by far the greater part of the prisoners. But where these inferior sources have been exhausted, what scruple need there be of ascending to the other higher ones? The great object of this consecrated day is to keep alive the sentiment of religion in men's minds: what exercise therefore that contributes to that end can justly be deemed unseasonable?

be

be several, placed between the walks of the Airing-parade, for which once more see the figure. The form of this erection is circular, with part of the circle cut off as by a secant, in which the instructor stations himself so as to have none of his pupils behind him nor out of his view. Over the seats may be thrown occasionally a canvas awning supported by iron pillars, with flaps to let down on the weather side, in case of violent wind or rain. If these flaps be not let down, or not let down on the side towards the Look-out, the prisoners in their school are open to the eyes not only of the School-master, but of the Inspectors stationed in that exterior Lodge. But at the worst, the vicinity of these armed protectors averts from the instructor every idea of danger*.

It is not a very slight degree of cold, nor a slight measure of bad weather, that should exclude them on this only day out of seven, from the healthful influence of the open air. But in case of absolute

* Were the roof a permanent one, a tiled roof for example, it might be difficult to find a situation where it could be placed without affording obstruction in some way or other to the inspection principle.

necessity,

necessity, the business of reformatory instruction may be transferred to the Chapel : there to be carried on between or after the times of divine service.

Introduced into the middlemost Inspection-Gallery by the correspondent Traversing-Staircase, in the same order as into the Airing-Parade, and with similar precautions, they take their stations in the Chapel-Area and lower Gallery attached to it, two armed Inspectors having first stationed themselves in the Gallery above. Their station gained, the doors by which they have been discharged into it from the circumambient Inspection-Gallery are locked *. The Schoolmaster may either occupy the Clerk's place under the pulpit,

* Should it be deemed necessary, Mr. Blackburn's mode of sedentary confinement might here be introduced : viz. that of letting down upon the level of their breasts or stomachs as they sit, a BAR, which without touching or much incommoding them, prevents their rising till it be removed. Mechanics and Anatomy contributed each their share in the production of this simple and ingenious contrivance, which however amidst such an abundance of securities will hardly be deemed a necessary one.

OR

or quit it and go round to them, according to the nature of the instruction to be conveyed *.

* For instance, reading and writing portions of Scripture or other devotional books. The profane and worldly-minded study of arithmetic might perhaps be looked upon as ill-suited to this consecrated place.

§ 12.

Of Ventilation, Shading and Cooling.

OF Ventilation, considered as a part of the regimen, little need be said. In the cold season the process is carried on, and that in perfection, by the apparatus employed for warming : and even in warm weather, where no artificial heat is introduced, the same structure can scarce fail of insuring the same effect. Were it otherwise, nothing more easy than to keep the windows open, especially on Sundays, and on week days at airing times, when the prisoners are absent from their respective cells. In other prisons, comfort and health are at variance : and the preference given by uncultivated minds to present feelings over remote considerations, renders the enforcement of this part of the discipline more or less precarious. In a Panopticon, in this as in almost all other articles, transgression is impossible *.

* In countries where the intensity of the cold renders men particularly averse to ventilation, deaths, as is observed by Howard from

For *shading* in very hot weather, a strip of canvass to each window may be necessary in the greater part of the circuit.

Of the apparatus contrived for warming, a part might, if it were ever worth while, be made subservient to the opposite purpose. A cellar might occasionally be taken into the aëriduct spoken of in the section on *Warming*, and in this cellar as in any other there might be *ice* *.

from Russian documents, are much more frequent in the cold than in the hot season : a fact the more worthy of observation as the former, naturally the healthier season, is not there attended with wet, nor subject to vicissitudes as here. In a Panopticon thus equally warmed and constantly ventilated, the season which would elsewhere be the least healthy, may be expected to be the most so.

* In a Lazaretto built on the Panopticon principle as suggested in the section on *Warming*, a provision of this sort would be not unsuitable, on the score of comfort. Whether on the score of economy, as a means of enabling work to go on at times when heat would not otherwise permit, any such thing could be made to answer, might not be altogether undeserving of consideration. The facility might depend in some measure on local circumstances.

§ 13.

DISTRIBUTION OF TIME.

Example for Working Days.

			<i>Hours.</i>
M EALS (two in a day)	—	—	1½
Sleep	—	—	7½
Airing and exercise in the wheel for those employed in sedentary work within doors, at two different times, in the whole at least—			1
Sedentary work	—	—	14
			<hr/> 24

Example for Sundays and Church Holidays.

Meals	—	—	—	2
Sleep	—		—	10
Morning service		—	—	1
Evening service	—		—	1
Schooling—including catechising and play- mody.	—		—	9
				<hr/> 24
PART II:		○		Out

Out of the time for sedentary work may be taken the small portion that will be necessary for the cleansing of the Cells on ordinary days, and the more thorough cleansing to be given in the afternoon of Saturdays. As the cleansing could not so well be performed by candle-light, nor work done after the cleansing, whatever time remained after this latter operation might be bestowed on schooling. The time applied to the latter purpose would of course vary according to the season: but in such variation there would be no inconvenience.

Is the time allowed for meals too little? Half an hour for breakfast and an hour for dinner is an allowance common among working people in a state of freedom. My boarders, let it be remembered, have not two courses and a desert. My workmen have not to go to a distance for their repast. Is the number of meals in a day too small? It is twice as great as that in use among the people of antiquity: it is twice as great as that which satisfied Homer's Kings.

Is the time allowed for sleep too little? Lord Coke does not allow his student so much by a third*.

*- Sex horas somno : totidem des legibus æquis :

Quattuor orabis : des epulisque duas.

Quod superest ultra, sacris largire Camenis,

Did he mean to subject his pupil, the darling of his affection, a youth of birth and education, to hardships, and to hardships too severe to be imposed on felons? Lord Coke knew what a man engaged in sedentary occupations wanted: he spoke from experience. The condition of my felons is in this respect twice or thrice as eligible as that of many an honest servant at an inn*.

* I happened once to fall into conversation upon this subject with a maid-servant at one of the London inns frequented by night-coaches. She went to bed once a week at most, nor then slept longer than other people. The other nights all the sleep she had was two or three hours dozing in a chair. No ill health: no complaint of hardship. Such is the power of habit: and so moderate in comparison of the demands of luxury are the calls of nature.

Determined however on this point as on all others to be on the safe side, and being assured by men of eminence in the profession that if the general rule were adapted, (as it certainly ought to be) to such constitutions as required the largest allowance, that allowance could not well be less than eight hours out of the twenty-four, such accordingly is the proportion I propose: taking only half an hour's sleep from each of the days of labour to add to that day of which the characteristic destination is to be a day of rest.

Bowing down to the law aphorism, *Peritis in sua arte credendum est*, and preferring accordingly on a question of this sort the opinion of the Father of Physic to that of the Father of English Common

Are 14 hours out of 24 too many for even a sedentary trade?—Not more than what I have seen gone through in health and cheerfulness in a workhouse by honest poor.

This sketch, let it be observed, is offered rather in the way of example than in the shape of a peremptory rule. All I mean to represent as fixed, nor that with unrelenting rigour, is the time for meals and sleep: as to every thing else the proportions may be infinitely diversified according to particular convenience.

Fifteen hours in the day employed in lucrative occupations: for in this regimen, be it never forgotten, even the time found for health is not lost to industry*. Fifteen hours out of the twenty-four

Law, I stand justified by the reverend sage himself by whom that ancient maxim is adopted and recognized, and who in the plan of dietetics above quoted, spoke perhaps rather as a poet than as a physician, and more from imagination than from experience.

* Nor need the portion, if any, which may be thought fit to be allowed to occupations of a literary nature, be all of it without an economical use. Such as could write well enough might copy for hire: at least they might copy the accounts and other papers relative to the management of the house. Even music were there a demand for it, might find here and there a copyist among so large a number.

without

without the smallest hardship, and that all the year round: not much less, as we have seen, than double the quantity thus employed in the establishments contrived at such an immense expence for the extraction of forced labour.

Let it not be forgotten. Meal-times are times of rest: feeding is recreation. Even change of work, especially if from gymnastic to sedentary, is repose: not to speak of recreation.

The four and twenty-hours a field for discovery! could any one have thought it? Five, six, seven, precious hours out of fifteen, thrown away as offal! Such is the account rendered by the authors of the Penitentiary-Act of the talents committed to their charge!

Seven hours taken from industry, taken even from health, yet not added even to comfort, not to mention an object so perfectly unthought of as the improvement of the mind.

I say even from health.—By the custom of sleeping, or what is still worse, of lying abed awake, to excess, the animal frame is relaxed, the spirits sunk, and the constitution debilitated and impaired: the habit of indolence is at the same time formed and rivetted, and the texture of the mind vitiated along
O 3 with

with that of the body. This a meliorative, a reformative regimen? I had almost called it a corruptive one. As soon would I turn Macbeth and murder sleep, as thus to murder health by smothering it under a pillow.

Whence all this waste of health and time, one may almost say of good morals?—Is it to save money? Is it that ingenuity has not yet found out an employment for candle-light that will pay the expence of candles? Those employments at least might be carried on by candle-light, and by very little candle-light, knitting for example, which are carried on without eyes. But if nothing in this way could be found for them that would fetch money, they should have light to learn to read, or to write, or even to sing by, rather than consume time and health in shaking or shivering in bed, comfortless and alone, to save consuming candles.

§ 14. *OF PUNISHMENTS.*

ON this head I shall not at present be minute : with regard to particulars a few hints may serve : principles have been laid down in another work*.

Punishments may be encreased in number without end, without being encreased in severity : they may be diversified with advantage by being adapted to the nature of the case.

One mode of *analogy* is, the pointing the punishment against the faculty abused : another is, ordering matters so that the punishment shall flow, as of itself, from the offending cause.—Outrageous clamour may be subdued and punished by gagging : manual violence, by the strait waistcoat : refusal to work, by a denial of food till the task is done. The Spartan discipline may on this head furnish a hint for the management of a Penitentiary-

* Introduction to the Principles of Morals and Legislation 4to, 1789.

House*: without pushing the imitation so far as to make want of dexterity a capital offence, or treating British criminals with the degree of severity, said to be practised by Spartan parents on their innocent children.

Here, if any where, is the place for the law of mutual responsibility to shew itself to advantage. Confined within the boundary of each Cell it can never transgress the limits of the strictest justice.—*Either inform, or suffer as an accomplice.* What artifice can elude, what conspiracy withstand, so just, yet inexorable a law? The reproach which in every other abode of guilt attaches itself with so much virulence upon the character of the *informer*, would find nothing here to fasten upon: the very mouth of complaint would be flopt by self-preservation—I a betrayer? I unkind?—*Your's is the unkindness, who call upon me to smart for your offence and suffer for your pleasure.* No where else could any such plea support itself: no where else is connivance so perfectly exposed to observation. This one stone was wanting to compleat the fortress reared by the inspection principle: so many com-

* A boy was not to have his breakfast till he had shot it off a tree.

rades so many inspectors: the very persons to be guarded against are added to the number of the guards. Observe here too another advantage of limited association over absolute solitude. In an ordinary prison, society is a help to transgression: in the Cell of a Panopticon, it is an additional security for good behaviour.

Covered with the rust of antiquity, the law of mutual responsibility has stood for ages the object of admiration. Fresh from the hands of Alfred, or whoever else first gave it existence, what was the composition of this celebrated law? Nine grains of iniquity to one of justice. Ten heads of families, with walls, woods, and hills between them, each to answer for the transgressions of every other! How different the case under the dominion of the inspection principle! Here shines justice in unclouded purity. Were the Saxon law to be reduced to the same standard, what would be the founder's task?—To give transparency to hills, woods and walls, and to condense the contents of a township into a space of 14 foot square.

§ 15.

Mode of Guarding on the Outside.

FOR the more perfect defence of the surrounding wall, I have already ventured to propose a military guard*. Such a species of protection, though altogether foreign to the inspection principle, and less necessary to a Panopticon prison than any other, would not be without its use. It would add to the security without adding to the expence. As far as the construction of the wall is concerned it might even save expence: since with this help the height and consequent thickness of that boundary need be no greater than what was necessary to prevent conversation between the sentinels without and the prisoners, except in a voice too loud not to be heard by the Inspector in the *Look-out*†.

Mr. Howard, in competition with his own opinion, to which it gives me pleasure to find my own

* Postscript, Part I, § 20, 21. † Ibid. p. 159, and 182:

ideas so conformable, the good Howard,* with the candour so well suited to his benevolence, produces the counter opinions of two friends of his, the one a worthy man, whom I will mention, Dr. Jebb, because he is no more: the other a gentleman of the best intentions and of the purest zeal for liberty, whom on the present occasion I choose rather to mark by these titles than by his name. According to the one, in no particular or possible circumstance the interference of the established "army" should be admitted:" according to the other, "the objections against the military are numerous, obvious, weighty, and irresistibly conclusive." It is with concern one sees such opinions with respectable names to them, so worded and in print. A man writes naked *opinions* to a friend to whom he writes any thing: but to the public he gives *reasons*. As to the "objections," of which however "obvious," none I must confess are discernible to my eyes, of these objections, if they weigh any thing, the lightest would have had more weight in it than all this found. What?—"In no particular or possible circumstance?"—Would it have

* On Lazarettos, p. 224.

been

been better that London should have burnt on, than that the military should be employed in putting out the fires?

Upon the subject of this class of men, my notions, though not altogether so heroical, are like those of the good Howard, much more simple. I would have as few of these regulars as possible: but from these few, as from all other public servants I would draw as much service as I could. In what respect is the military instrument of domestic peace distinguished from the civil?—In being more expert in the business, more efficient, better disciplined, more trained to suffer while it is possible, as well as to act when it is necessary, and in the event of his acting too briskly or too soon, more sure to be forthcoming and made responsible. But if the military, or any other strong and efficient power, is to be employed on any occasion, and against anybody, against whom should it be made use of with less scruple, than against felons and their allies?

Is not prevention better than punishment? the better you are seen to be prepared against an attack, the less your danger of sustaining one. Which then shews the best countenance against desperadoes and incendiaries? an accidental civil force, or
a standing

a standing military one? I mean always that sort of standing army which consists of a civil officer commanding a corporal's guard. *Si vis pacem, para bellum*, a maxim but too apt to be abused in matters of foreign politics, is surely in no great danger of being misapplied in the politics of a prison, a sort of monarchy which has never yet been noted for plans of conquest, or aggressive enterprise.

It is a matter of subordinate consideration, but surely not altogether undeserving of attention, that a service like this, of all peaceful services the most resembling a service of defensive war, is with a view to that sort of war, one of the best schools that peace can afford of military discipline. Among citizens what sort of enemy so formidable? and what sort of citizen is it least to be regretted that a soldier should be in the habit of looking upon as an enemy?

Add to this, that the more frequently a guard changes, the less in danger it is of being corrupted. Let the change then be made a frequent one, the more it is so, the greater the number of those to whose lot it falls to share the benefit of this branch of military practice.

Would not the parade of military rigour help to impress the minds of men without doors with the
idea

idea of hard government?—Would it not help to widen the distance between the lot of the persons thus coerced and the condition not only of the guiltless citizen, but even of the less obnoxious among malefactors? Would it not in this manner add to the terrific influence of the punishment without adding any thing to the sufferings of those who undergo it? Surely it would: for, once more, who is there that will deny the effect of scenery upon the eyes of the gaping multitude*?

The military guard thus given to the surrounding wall would not supersede the necessity of an unmilitary *Porter* for the gate. Whoever officiated in that capacity ought for several reasons to be acquainted with the persons of all who belong to the

* I leave it to the authors of the Penitentiary Act to insert a common refectory into a plan of rigid solitude. But were I obliged to set the prisoners to eat in common, and like the Kings of Great Britain in former days, in public, it should be (still in pursuit of the same idea) under the guard of an armed party with presented muskets, loaded or unloaded, ready to fire on the first motion towards disturbance. To spectators the entertainment might shew like that of the tyrant Damocles. But to those who partook of it the danger would be but show, knowing that security depended upon themselves.

establishment,

§ 15. *Mode of Guarding on the Outside.* ' 207

establishment, and who as such may be allowed to pass and repass without examination. He ought likewise to be acquainted with the persons of the prisoners: lest any of them should make their escape in disguise, for instance by borrowing or stealing the cloaths of any of the under officers, or servants, or persons admitted occasionally to work in or about the House.

A Centinel therefore, that is a soldier continually changing, would not so well answer the purpose. An artizan whose employment consisted in some sedentary trade, a cobbler or a weaver for example, might probably be found to accept of it, perhaps without any other recompence than the lodging it would afford*, at any rate for less than what would be necessary to pay him for his whole time.†

* Gate-keepers are commonly obtained on similar terms for Parks.

† A fortress thus secured would have a collateral use. In times of riot, it would afford an asylum, where obnoxious persons or valuable effects might be lodged in perfect safety against every thing but cannon: an engine of destruction which has never yet been seen in the hands of any English mob: and it is only from ignorant mobs, even in times of civil war, that an establishment of this nature could have any thing to apprehend.

§ 16. PRO-

§ 16. *Provision for liberated Prisoners.*

§ 16.

Provision for liberated Prisoners.

HOW to make provision for the Prisoners at the expiration of their terms?—How to ensure for the future, with least hardship on their part, with due regard to their respective characters and connections, and at the least expence, their good behaviour and their subsistence?—It is time to be short—here follows a slight sketch.

1. The Prisoner not to be discharged but upon one or other of three conditions:

1. Entering into the land-service.

2. Entering into the sea-service for life.

3. Finding some responsible house-holder who will be bound in the sum of [£50.] for his good behaviour by a recognizance renewable from year to year: with a stipulation for surrendering the body in case of non-renewal*.

* A set of provisions to this effect being enacted, an establishment of some sort or other would take for granted, be set up, for the reception of as many of the convicts as either could not embrace, or chose not to embrace, any of the other options.

This

2. To furnish an inducement capable of engaging not only relations or other particular friends,

This subsidiary establishment, I likewise take for granted, would be carried on in a building erected on purpose on the Panopticon plan, and no one seems so likely to be the Undertaker as the Contracting Governor of a Penitentiary House.—Upon the Panopticon plan, as giving him every facility for getting the most work done, and making the most of that work.—It would be worth somebody's while, because the convicts, having by the supposition no other course of life to betake themselves to, or none they liked so well, would serve on so much the cheaper terms.—It would be better worth the Governor's while than that of any body else, because experience would have taught him how to apply the Panopticon principle in the way of management to the most advantage, pointed out to him a profitable mode of employment, and shewn him the precise worth of each man's labour.—It would be better worth his while to set them to work in a separate Panopticon of his own erection, and upon such terms as he and they could agree upon, than to have them continue on the footing of *Remanents* in the Penitentiary Panopticon, with head money to be paid him by Government, on the same footing as at first—Why?—Because every such *Remanent* would occupy the place of a prisoner in ordinary. The more he had of the former, the fewer therefore (if the number of such *Remanents* were at all considerable) he could have of the other: whereas upon the supposition of a subsidiary Panopticon, the more workmen he could get to employ in it upon such advantageous terms, the greater would be his advantage. Engaging his workmen too for the subsidiary establishment for a considerable and certain term, he

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could

but strangers, to take upon them such an obligation, authority given to the prisoner to enter into

could depend upon them, and make his arrangements accordingly: whereas no *Remanents* could be depended on for two days together: since at any time he might, for aught the Governor knew, find some friendly bondsman, or at any rate embrace one or other of the other options. This uncertainty I keep up on purpose: left in case of a deficiency in the number of the prisoners in ordinary, the Governor, for the sake of the head-money, should make it worth the while of a prisoner whose term was expired to stay in upon the footing of a *Remanent*, and thus continue a burthen to Government, rather than embrace any one of the other options.

Why not oblige the Governor by a clause in his contract, to take *Remanents* at a reduced price?—Because nothing would be saved by it. Antecedently to experience the Governor could not be sufficiently assured in what degree, if in any, the labour of a convict would upon an average of all the convicts be more valuable at the expiration than at the commencement of his term: the more therefore he abated upon the *Remanents*, the higher he must charge upon the prisoners in ordinary. It is on that account that my object is as much as may be to get rid of *Remanents*, so that if possible there shall be none, except in the case of a man who has neither ability to pay an employer for his subsistence, nor friend, nor parish, a case which is likely to be extremely rare.

I had rather the Penitentiary Governor should get the emancipated prisoners in this way than any other undertaker whom the view of profit, and not any particular connection with or friendship for the prisoner might induce to bid for him?—Why?—Because the Governor is by this time a tried man in every respect,

a contract for a term of any length, conferring on his bondsmen the powers following: viz.

1. Power of a father over his child, or of a master over his apprentice.

2. In case of escape, powers of recaption, the same as by 17 G. II. ch. 5. § 5. in case of vagrants:

spect, as well as a responsible one. It is on this consideration I view with satisfaction rather than regret the advantage he will have over any other master in treating with them, before the expiration of their terms. At the same time I do not exclude other bidders—Why?—Because such a monopoly would be a hardship on the prisoners, and that a needless one.

Considered as a fund of recruits, the Penitentiary-House would be an economical one. What will be stiled in Boatswain's or Recruiting Serjeant's language *liberty*, and what, if it is to be called *servitude*, is at least an honourable one, may stand instead of *bounty-money*. The more irksome the civil subjection has been felt among a class of men distinguished at one time at least by their aversion to ordinary labour, the more likely they are to be caught by the bustling gaiety and frequent indolence of a military life. As a school for recruits, as a nursery for a profession in which every thing depends upon obedience, what can equal an establishment in which for a course of years disobedience has been impossible?

Can the source be objected to as a stain upon the service?—Not surely by any one who can think with patience of the methods in which so large a portion of both departments has been habitually filled up under the present practice.—On the present footing in what state are criminals received into a service of which honour ought

with penalties for harbouring or enticing, as by § Eliz. ch. 4. § 11. in case of persons bound for want of employment to serve as servants in husbandry.*

3. The contracting Governor of the Panopticon Penitentiary-House to be bound to keep the prisoner there, after the expiration of the term, though it should be for life, until discharged in one or other of the three ways just mentioned: and that upon terms at any rate not exceeding those on

ought to be cherished as the vital principle?—When the marks of depravity and its attendant ignominy are fresh upon their heads—How under the proposed arrangement?—After the guilt has been expiated, the moral disease cured, and the ignominy washed away by a course of purification still more public than the offence. I would go farther—I would draw a marked line between these recruits and others, nor admit the stigmatized upon an equal footing with the irreproachable, till after a term of additional probation gone through in the army itself, and a ceremony reinstating them in solemn form in the possession of lost character.

* The stronger these powers the easier it will be for the convict to find a master to his choice. Any one who from relationship or any antecedent connection, might be induced to stand bondsman to him without making advantage of his service, will be equally at liberty to do him the friendly office: and the better terms he is enabled to give, the better he will be able to make.

which

which he would be to receive a fresh prisoner:— and so in case of surrender by a bondsman.

4. The prisoner's parish to be bound in such case to give the crown an indemnification, not exceeding the utmost amount of the charge borne by reason of any pauper by that parish.*

5. The bondsman to be bound for the *maintenance* as well as the good behaviour of the liberated prisoner during the term of the engagement.†

* No hardship on the parish: the burthen is no more than would fall on them of course. It gives them a chance of relieving themselves which they have not at present. The case of a *Roman* too helpless to do any thing at all for his subsistence will be extremely rare. Whatever he is able to do the Governor knows by experience, and can take him off the hands of the parish upon terms mutually advantageous. A trade which having been carried on in a Panopticon Penitentiary House, might be carried on with equal advantage in a subsidiary establishment conducted on the same principle, might be incapable of being carried on in a parish work-house.

† Otherwise he might give himself up to idleness, turn beggar, or throw himself upon the parish. The bondsman, when he had once procured the convict his liberty, might care little what became of him, so long as he kept from such offences as would operate a forfeiture of the recognizance, or committed them at a distance where his identity was not known.

6. The Governor of the Penitentiary-House to be bound, on failure of the particular bondsman, to the extent of half the penalty specified in his recognizance in case of forfeiture.*

* If no provision were made for scrutinizing into the bondsman's responsibility, members of gangs might become security for one another, as swindlers lend one another their names to bills. Such particular bondsmen being so many competitors of the Governor's, generally speaking he would, it is true, have a natural interest, even without this artificial one, in opposing improper bondsmen. But such natural interest would be less and less, the less valuable a workman the convict were, whether through moral or natural infirmity. Besides that such a scrutiny, if it were not thus made the Governor's duty as well as his interest, would be an invidious task. What is more, it is in this way made his interest that whatever reformation is effected in the behaviour of the convict by the penitentiary discipline, should be not merely apparent and temporary, but real and lasting.

To induce him to take upon himself all this responsibility, some allowance must be made him, but the degree of power given by the Panopticon plan, and the confidence he will naturally have in his own care and skill in the application of that power, will render it unnecessary to be very liberal. Records or other documents will shew the proportional number of instances in which a convict after having been discharged from the Hulks has been prosecuted for any subsequent offence.

In case of a crime operating to the detriment of an individual, the forfeit, to the extent of the damage, might be applied to the purpose of indemnification: an object sadly and almost universally
neglected

7. The Governor bound also, on such failure, for the prisoner's maintenance: but without being obliged to grant him relief on any other terms than those of his returning to the Penitentiary-House, or engaging in his service for such time as shall have been agreed on.

8. Such bondsman's recognizance to be taken before Justices in quarter or petty sessions, with power to the Governor to oppose and cross-examine, as in the King's Bench in case of bail.

9. The recognizance to be registered with the Clerk of the Peace, and annually renewed: upon failure of renewal, the responsibility of the Governor to revive, and with it the power of recaption.

10. Power to the Governor and the Prisoner to enter into a contract of engagement for any number of years, and that before the expiration of the term, subject to attestation before a Justice as case of enlistment, and examination touching his consent, as in the Common Pleas in case of a feme covert joining in the disposal of an estate.

neglected by the criminal law. Prosecution for the forfeiture would thus too be rendered more certain. Recognizances to the crown are often of no effect for want of an individual whose interest it is to prosecute.

11. In case of dispute between the Governor or any other master-bondsman and any such servant, Justices to have cognizance, as at present in case of servants in husbandry.*

12. Any such contract so made with a prisoner not to give him a fresh settlement.

er to Government to remove to his parish *Remanent* remaining on the Penitentiary after the expiration of his term.†

ffity of periodical renewal keeps alive the dependence on the security. Honour and gratitude are ties which the law to trust to, where so much surer may be in the instance of such a class of men. Thus circumstanced will avoid not only punishable misbehaviour, drunkenness, begging, vagrancy, any thing which might excite an apprehension of it. Shorter the term, the less the bondsman's risk: the difficulty of obtaining one: another instance beneficial at first view to the bondsman alone, but more so to the convict.

ent remanency by collusion betwixt the Governor and the convict. If the allowance made by Government is greater than what it would cost the parish to maintain him in their workhouse, they will remove him thither for the consideration of being subjected to such removal. Every convict from throwing himself unnecessarily on the bounty of the Government, he would be disposed to live. If the Governor, or whoever else sets

14. Power to the parish to bind over to the Governor a Remanent removed or liable to removal: and that for a term not exceeding seven years in the first instance, nor one year ever after.

Is there any thing wanting in the provision made by this plan?—Any thing to public *security*, to *economy*, to *humanity*, to *justice*?

The *securing* the public against the future ill behaviour of a discharged convict has hitherto been looked upon as a problem, insoluble except by death, or some other punishment which under the name of a temporary, should be in effect a perpetual one. The idea of absolute incorrigibility is

sets up a subsidiary Panopticon, finds it worth his while to take charge of the convict for a less consideration or for nothing, the parish will in proportion be eased of the expence. By this plan, the burthen to the public can scarce in any instance whatsoever suffer an increase: and the probability is, that upon the whole it will be much diminished. The only possibility to the contrary is the case of a Remanent convict who is at once parishless and helpless. But this case cannot be a frequent one, and the Governor being eased by his helplessness of all fears from his unruliness, can hardly insist upon any advance in his terms on binding himself in his contract to provide for all persons so circumstanced at parish price.

accordingly

accordingly the idea which in many an estimate stands inseparably annexed to that of a thoroughbred London felon. Be it so: upon this plan, be he ever so incorrigible, the public will have nothing to fear from him, since, till he has given satisfactory proof to the contrary, he will not be let loose. When a suspected person is put under the care of a Boatswain or a recruiting Serjeant, the public peace, as far as he is concerned, is universally looked upon as sufficiently provided for: and the great diminution thereby supposed to be effected in the proportionable number of crimes, is reckoned upon as no inconsiderable compensation to set against the miseries of war. But to put even this security in competition with that which is afforded by the Panopticon discipline, would be doing the latter great injustice. The security afforded by the military discipline or a still better, such then is the assurance which the public obtains of the good behaviour of every individual who has gone through his term in a Panopticon Penitentiary-House: such alone excepted for whom the affection of friends may have found particular bondsmen, and who, by the confidence thus reposed in them, have given proofs of a degree of trust-worthiness, sufficient

to

to place them in this respect on a level rather above than under that of the ordinary run of men.

Will reformation, inward reformation, be or not be the result of such a course of discipline? My own persuasion, my full persuasion, and I hope it is not too sanguine an one, is that with very few or perhaps no exceptions it will be found to be so: and that at any rate in such a period as that of seven years, the very disposition to mischief will be found to have been subdued. But should even the disposition remain, the ability will at any rate be chained down: and so long as that is the case, how it is with the disposition is a question which to every temporal purpose at least, it is as immaterial as it would be difficult, to resolve.

As to *economy*, the terms on which a man is subsisted, cannot in any instance be more disadvantageous to the public than on the present footing, and no bounds are set to the reduction of the disadvantage.

Is there any thing wanting in the attention paid to the particular circumstances and feelings of individuals?—Merely for want of employment, persons to whom no guilt is imputed may by the statute of Elizabeth be forced into service in husbandry,

dry, or, by the custom of pressing enforced by occasional laws, into one or other branch of the military service: and in both cases without any option as to the employment, much less as to the employer. Here, no fewer than four options are given to convicts: options too which extend to the very person of the employer. Men accustomed to a stile of life superior to that of the common run of those who are obnoxious to this fate, would under a punishment nominally the same suffer more than their comrades in effect. Such persons may, by the generosity of a disinterested bondsman find themselves clear of every obligation of service. A father may thus rescue his son, an uncle a nephew, a brother a brother, from the hardships of a degrading servitude. Independently of such contingencies, prisoners who have either brought a general good character into the house, (for even such will not be altogether wanting) or acquired one there, and are either able to get a livelihood or provided with friends who would furnish them with one, will be sure of bondsman: and the faculty of investing the bondsmen with such ample powers will render it so much the easier for the prisoner to find one. The more valuable a member of the community he is become

become in all respects, the better will his condition be: since he will find employers bidding against one another to obtain him.

Suppose him for want of particular friends or connections engaged with the Governor, or some other undertaker in a subsidiary Panopticon—in what respects would his condition differ from that of ordinary service?—Only in the engagement's being for a longer term, and putting it out of the power of the servant by absence or intoxication to deprive the master of the benefit of his service. In these circumstances a variety of indulgences would naturally take place—abatements would be made in the number of working-hours:—a curtain would guard the times of recreation and repose from the importunity of an inspecting eye:—every seventh day would be a day of perfect liberty:—the comforts of matrimony would in this situation at any rate lie within reach. In short, instead of being termed a state of confinement sweetened by indulgences, the justest as well as simplest point of view in which it can be considered is that of a state of free service, only somewhat better guarded than ordinary against misbehaviour and abuse.

I hear

I hear an objection—*Your subsidiary Panopticon is a receptacle for manufacturers working in numbers under a common roof: and such receptacles are found by experience to be nurseries of vice. The manufactories, the only manufactories favourable to virtue are the dispersed, the rural manufactories, those which spread themselves over the face of a country, and are carried on in private families by each man within the circle of his little family in the bosom of innocence and retirement.* Be it so: it may be so for ought I know. But how great the difference, or rather how striking the contrast, betwixt an ordinary manufactory and one carried on upon the Panopticon principle! Is there any thing in the air of the country or in the structure of a cottage that renders it inaccessible to vice? Is the connection betwixt virtue and secrecy so exclusive?—No: the advantage which the domestic manufactory has in this respect over the most public manufactory, is not to compare to that which the Panopticon discipline has over that of the purest of all manufactories upon every other plan, public or private. In what other house, public or private, can equal security be found for the fidelity of the married,

married, for the chastity of the single, and for the extinction of drunkenness, that murderous infatuation, in comparison of which every thing else that goes by the name of vice is virtue?*

How is it that in public manufactories vice insinuates itself? How? How but for want of the inspecting eye of some one who has the power, and may be made, if he has not already, to have the inclination, to suppress it. With respect to drunkenness above all things, is it possible that such inclination should be wanting to any master, of all others to the master of an indented servant? The drunkenness of the servant is the master's loss: what the one suffers in his health and morals, the other suffers in his purse.

This plan is not altogether so simple as I should have been glad to have found it: but sim-

* To possess a just and adequate conception of the powers of the inspection-principle, requires a deeper insight into its nature and effects, than can be expected perhaps from any one at first glance. So long as this perfect conception has not yet been formed, objection upon objection may be expected to arise. Many such I have accordingly heard: but none against which a maturer view of the subject would not have shut the door.

plicity,

plicity, though it ought never to be out of our eyes, is not always in our choice. There are other plans, which at least as far as concerns the option, I should say the no-option, given to the convict, are much more simple: but I leave to whoever is ambitious of it the praise of purchasing simplicity at the expence of economy, good morals, humanity, and justice.

A plan is good or bad, either simply with relation to the end in view, or comparatively, with relation to others directed to the same end.

The end in view here is to ensure the good behaviour and subsistence of convicts after the expiration of their punishment, regard being had to economy, humanity, and justice. If perfection be still at a distance here, shall we find any thing nearer to it in the Colonization scheme, or the Penitentiary Act?

Out of 687 convicts, sent to a country from whence return without assistance from government is known to be impossible, 20 had been sentenced for 14 years, 630 for 7 years, 12 but for 5 years, (tenderness for the tender sex dictated the limitation here) 35 only, little more than a twentieth of

of the number, for life.* Was it the intention that, at the expiration of these terms, vessels should be sent out to give effect to the limitation in the sentence? If so, what becomes of the security? and what are we to think of the expence?† Was it that they should be left fixed for life on the spot to

* From the list at the end of Governor Philip's Voyage.

† A hint has been given of the utility of a Panopticon Penitentiary House as a nursery for military service. How useful it might be more in the same capacity to the Colonization scheme! In this case the trades the prisoners were employed in, and the instructions of all sorts they were made to receive, might be adapted to that object, and made subservient to their final destination. Every embarkation supposes an abode of at least six months upon an average, in some intermediate receptacle: for embarkations neither have taken place, nor probably will take place, oftener than once a year upon an average. What a contrast in this point of view between a Penitentiary Panopticon and the Hulks! and for the female sex, between the industry and purity of such an establishment and the idleness and profligacy of a common prison! Bibles and other books are sent out with pious care for the edification of these emigrants, when arrived at their land of promise: but what are Bibles to unlettered eyes? In a preparatory Panopticon they might be initiated not only in the art of reading, but in the habit of applying such their learning to a pious use.

* See Papers laid before the House of Commons in 1791, relative to the settlements in New South Wales.

PART II.

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which

which they were confined with such nicety of discrimination, for fourteen, seven and five years? If so, what is the sentence, or the pretended execution of it, but a mockery of justice?*

Suppose them brought back—What is the provision for them then?—None: no more than if they had never been sent there. Suppose them to stay—What is to be the lot of such of them as become chargeable?—I mean supposing the time come when there can be any that are not chargeable. Either they are left to starve, or Great Bri-

* The House of Commons, when the information laid before them has been perfected and digested, will it is to be hoped inform us.

Already there are many, as appears by the above list, whose term has been up above a twelvemonth, and it does not appear that any steps have been taken towards rendering their return possible.

As their times are expiring all the year round, supposing ships to be sent out for this purpose but once a year, which is as often as they sail at present for that country, the addition thus made to the term specified in the sentence, would even on this supposition, be six months upon an average. But, compared to *false-imprisonment* (to use the law phrase) or rather *false-banishment* for life, which seems to be their present doom, an oppression of the same kind for no more than six months is scarce worth mentioning.

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tain is their parish, though they cannot be removed to it. Will their maintenance there cost less at the distance of seven months sail than at home?—in a country which has nothing, than in a country which has every thing?*

So much for the Colonization scheme—What says the Penitentiary-Act?

Decent cloathing—money in a man's pocket—for a year not more than 3*l.* nor less than 20*s.*—for a shorter term in proportion:—and if any body will *talk* of finding employment for him, and he has behaved well, more money to the same amount at the year's end.†

* Vessels used not to be sent for the re-importation of convicts after transportation to America—True: neither was there occasion: returning thence was but too easy, and that was the great grievance.

If, instead of being sent to New South Wales to be kept for life at the rate of 60*l.* a year a head, they had been set down upon a barren rock to starve, would it have been said that there was nothing unjust in this, because there was no law forbidding them to buy food, or forbidding others to supply them with it? Would an illegal prohibition opposed to the right of return be a greater injustice than a physical impossibility?

† According to the best calculation I can make, the present expence per head may be reckoned at about 60*l.* a year: an expence the total cessation of which may be demonstrated to be impossible;

From twenty to sixty shillings at a year's end?—what is that to do? How is it to find a man employment?—No employment without an employer. How is it to give him one? What inducement does it hold out to any body to take upon him that friendly office?—None. No powers: no factitious security of any sort to supply the natural want of

possible; and in which any considerable degree of reduction is an event which after three years trial seems at a distance as indefinite as ever. The provision made for a gentleman in a situation of great trust is, in many instances (that of a Clerk of the Bank for example) not equal to it.

The present is not a place for a full examination of the New South Wales Colonization Scheme. I will only mention the result, which is, that supposing the adoption of the Panopticon plan, the cheapest as well as the best course in every point of view that could be taken, would be to send a fleet and re-import the whole Colony at once: that the next best course would be to confine the future exportations to those who were sentenced for life, and among those, if colonization, that is propagation, be the object, to limit the males to a number proportioned to that of the females capable of child-bearing, that is exceeding it in the ratio of no more than about one-twelfth or one-thirteenth.

It is but justice all this while to whoever was the author of this plan to observe, that he had not the option of a Panopticon before him, and that with regard to the important branch of security here in question, his is as efficacious as we shall find that of the Penitentiary Act to be otherwise.

confidence.

confidence. Were employment offered, what obligation, what *inducement* to accept of it?—They may choose to become beggars, not to say thieves—and what is there to hinder them? If the fear of starving on the spot will not force a man to work, will a few shillings to be received at a year's end bribe him to it?—For whose *fake* should any body furnish the employment?—For his own?—The Act gives him no motive.—For the convict's?—No, nor in that way neither. If he will not to save him from starving, will he for the fake of getting him a few shillings, which he is not to have till it has been proved that he can do without it? Of what *kind* is the employment to be?—One that requires no *confidence*?—The allowance is not wanted.—Why throw away so much money? If a man has gained an honest livelihood for a year together, what should hinder his continuing to do so?—Is *confidence* necessary?—The allowance is of no use. Will the one two or three pound, the convict is to have a year hence, render him trust-worthy to day, in the eyes of any one to whom he would not appear so otherwise?

One man is fortunate enough to have connections: another man has none. The one gets a friend

friend to *say* he will take him (for as to engagement it is out of the question) the other, not. Both live out their year with equal honesty. Why is the former to have all that money, and the latter none of it? Why give him who has most merit nothing, while you pay the other for his good fortune? Let him who has the happiness to have friends enjoy the benefit of their friendship:—but is he to be rewarded for it too, and that at the public charge?

Decent cloathing—so far, so good—a man is not to be turned out naked. But all that money in his pocket—as soon as he is out of the house, what is that for?—Is it to furnish him with a few other necessaries besides cloathing, such as bedding, household furniture and tools?—One would think so. But if so, how comes the allowance to be pared down and reduced in the inverse ratio of the time he has passed in prison? Will a shorter bed or a smaller table serve a man who has been there but half a year, than him who has been there a whole one?—One would think the foundation of the Act in this part were the supposition of its own injustice; and that the money, instead of *equipment* money were meant as *smart* money.—*Poor fellow!*—*You have*

have suffered so much more than such an one:—here is so much more for you, to make you amends.

Set a beggar a horseback, and the proverb tells you where he will ride. Is the beggar likely to prove the more prudent horseman for having been bred in the school of felony? The Penitentiary-Act sets a whole regiment of such beggars on horseback, and it gives them no master to hold the reins. Men who have given such testimonies of themselves surely are not much injured in being compared to school-boys.—Can prudence, can economy be expected generally to prevail during the extacy that will so naturally mark the period of emancipation?—Is not the idlest school boy he who has the heaviest pocket?—What parent, instead of giving the quarter's board to the master, would give it to the child?—*Light come, light go*, says another proverb not more familiar than true: the same sum collected by a man's own economy, might hope for a better fate.

These little pecuniary allowances do not strike at the root of the difficulty: they do not apply to the right person. In the convict you see a man in whose breast the passion of the day is accustomed to outweigh the interest of the morrow: in the contracting

contracting Governor, you have a man who knows what his lasting interest is, and is in the habit of pursuing it.

The means he may have of exercising a desirable influence on the behaviour of the convict are as powerful as heart can wish; make it his interest to exert that influence, and the object is attained. This man whom you know is the man to deal with, and not the convict, of whom you know nothing but what is to his disadvantage. With the latter it is all *nudum pactum*: all giving, no receiving; you can stipulate nothing, you can depend upon nothing in return. Strike your bargain with the contracting Governor, you have some ground to stand upon: you can get an indemnity in case of disappointment: if your discharged prisoner turns out honest, the object is attained: if otherwise, you get your money back again with interest.

Nothing can be more laudable than the humanity which dictates the provision we have been examining: the misfortune is, that so respectable a motive should not have pitched upon happier means.

F I N I S.



